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MISCELLANEOUS PUBLICATION No. 20

FEDERAL AND STATE LAWS

RELATING TO

WEIGHTS AND MEASURES

THIRD EDITION

[Superseding "State and National Laws Concerning the Weights and Measures of the United States" (second edition), printed in 1912]

REVISED BY WILLIAM PARRY, BUREAU OF STANDARDS
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WEIGHTS AND MEASURES, BUREAU OF STANDARDS

August, 1926

PRICE $2.30
Sold only by the Superintendent of Documents, Government Printing Office
Washington, D. C.

UNITED STATES
GOVERNMENT PRINTING OFFICE
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1926

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FEDERAL AND STATE LAWS RELATING TO WEIGHTS AND MEASURES

INTRODUCTION

Section VIII of Article I of the Constitution of the United States authorizes Congress to "fix the standard of weights and measures," but notwithstanding that the importance of the subject was repeatedly urged by Washington, Adams, and Jefferson in their messages to Congress, no general legislation has ever been enacted by that body in regard to the weights and measures now in common use. At the time of the American Revolution the weights and measures in common use were supposed to be identical with those then in use in England and the standards were of English origin. Most of them had been procured from time to time by the Colonies from Great Britain, and although it was well known that there were variations in those of the same denomination, it was not until 1830 that the matter received attention from Congress. At this time an investigation of the weights and measures in use in the various customhouses was ordered by a resolution of the Senate. As a result of this investigation the avoirdupois pound, the yard of 36 inches, the wine gallon of 231 cubic inches, and the Winchester bushel of 2,150.42 cubic inches were adopted by the Treasury Department, and the construction of copies of the standards thus established was immediately undertaken in order to supply the customhouses with uniform weights and measures.

In 1836 a joint resolution of Congress directed the Secretary of the Treasury to deliver to the governor of each State in the Union a complete set of all the weights and measures adopted as standards by that department, to the end that a uniform standard of weights and measures might be established throughout the United States. At the time of the passage of the act of July 28, 1866, legalizing the use of the metric system in the United States, Congress, by a joint resolution, directed that the Secretary of the Treasury furnish to each State, to be delivered to the governor thereof, one set of standard weights and measures of the metric system for the use of the States, respectively. Some 15 years later Congress further directed that the Secretary of the Treasury cause a complete set of all the weights and measures adopted as standards to be delivered to the governor of each State in the Union for the use of agricultural colleges in the States, respectively, which had received a grant of lands from the United States.

Nearly all of the States and land-grant colleges have been supplied with complete sets of standards in accordance with the resolutions mentioned, and in the case of many States those supplied

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have been adopted by legislative action as the standards of such States. The fundamental standards of our customary system—the pound, yard, gallon, and bushel—are therefore, in general, uniform throughout the Union. The practice, however, in regard to the use of the two units last mentioned and their subdivisions differs materially. In some States the gallon of certain commodities is defined as a definite number of pounds. For instance, 11 pounds of sorghum molasses is a legal gallon in Indiana and Mississippi and 12 pounds in North Carolina, South Carolina, and Tennessee; 6½ pounds of kerosene in Kansas and 7½ pounds of linseed oil in Ohio constitute a legal gallon. The volumes defined by these legal weights do not accord with the true volume of the gallon.

In many of the States the legal bushel of certain commodities is specified in pounds. In the cases of a few commodities the weight established is uniform throughout the country, but in the large majority of cases two or more different weights, which may vary widely from each other, are fixed for the same commodity. Special bushels have also been legally established in many States for particular products such as the charcoal bushel, which in Connecticut is 2,748 cubic inches, in Colorado, 2,500 cubic inches, and in Pennsylvania, 2,571 cubic inches. In Vermont "one bushel and three-quarters of a peck are deemed a bushel of lime or ashes," while a lime bushel in Ohio is 2,688 cubic inches. In Pennsylvania the coke bushel is 2,648 cubic inches, while in Missouri it is 2,680 cubic inches. Some States require, furthermore, "struck measure," others "heaped measure," the heap sometimes being required to be "as high as the article will admit," and elsewhere "as high as may be without special effort or design," and in still other cases, as in Connecticut, the heaped bushel is definitely fixed as 2,564 cubic inches. The ton of coal is in most States fixed at 2,000 pounds, while two or three specify 2,240 pounds.

Such diversity as is illustrated above causes confusion in the commerce among the different States, and a remedy is highly desirable. It is the general opinion among weights and measures officials that the use of the bushel as a measure of quantity should be discontinued and that commodities commonly sold by this unit should be sold by weight. Several States have enacted legislation to this end within the past few years.

A law passed by Congress in 1866 made the use of the metric system lawful throughout the United States in all commercial transactions and established tables for use in the construction of contracts, and in all legal proceedings, for expressing in customary weights and measures, the weights and measures of the metric system.

Until 1893 the British imperial yard and pound were recognized by the Treasury Department as the standards of the United States, but in this year it was decided that greater stability and higher accuracy would be obtained by accepting the international meter and kilogram as the fundamental standards of the United States, by reason of the superior character of the copies of these standards which had shortly before this time been received from the International Bureau of Weights and Measures, in which organization the United States Government had been officially participating since 1870. The yard was, therefore, defined as a certain fraction of

the meter and the pound as a certain fraction of the kilogram, the values adopted being 1 yard $= \frac{3600}{3937}$ meter, and 1 pound avoirdupois $= \frac{1}{2.20462234}$ kilogram. This action did not in any way alter the values of our customary weights and measures, but simply fixed them in terms of standards that represented the highest development of metrology.

On July 1, 1913,[1] the Bureau of Standards recognized the international metric carat of 200 milligrams as the unit of weight for diamonds and other precious stones, and thereafter used this value for the purpose of certification of all carat weights submitted to the bureau for test. On the same date the Treasury Department began the use of this unit in the customs service for the levying of import duties on precious stones, and it was also put into commercial use in the United States by practically all of the dealers in gems and precious stones.

During the past 15 years great advancement has been made in weights and measures legislation, both from the standpoint of securing laws providing greater protection to the merchants and the purchasing public and from the standpoint of uniformity in the laws of the various States. Among the reasons for this it may be stated that there has been an awakening on the part of the purchasing public to the losses sustained by the use in trade of false or incorrect weights and measures, and manufacturers and shippers have come to realize that unfair competition is bound to result from the lack of proper weights and measures supervision in the sale of commodities.

The present compilation of weights and measures laws is the third one published by the Bureau of Standards, the first having been issued in 1904 and the second in 1912. This compilation revises and brings up to date the latter publication, Bureau of Standards Miscellaneous Publication No. 20, State and National Laws Concerning the Weights and Measures of the United States, which, on account of the large number of laws enacted subsequent to its issuance has become entirely out of date. There have been added certain regulations and other material relating to weights and measures, which it is believed will be of value and interest in this connection.

The enactment of weights and measures legislation has in general been left by Congress to the several States, but in a few instances Congress has deemed it expedient and necessary for the better conduct of the large and ever-increasing commerce among the States to enact certain laws affecting weights and measures in interstate commerce. This legislation has a very important bearing upon the commercial life of the Nation in bringing about uniformity, efficiency, and economy in the distribution of supplies.

The laws and material pertinent thereto contained in the present publication are not published as a whole elsewhere, and much of the material is quite inaccessible to those concerned. There has been a continuing demand for a revised compilation, and it is believed that

[1] See Circular No. 43, The Metric Carat, p. 3.

this publication will present subject matter of great value, especially to State and local officials charged with the enforcement of weights and measures laws, and to manufacturers and shippers whose business is affected by these laws. The compilation should tend to create a better understanding of the scope and operation of the weights and measures laws, both Federal and State, to secure a more strict observance of these statutes, and to promote uniformity in weights and measures enactments.

Weights and measures, in general, is so broad a subject that in searching the statute books it is inevitable that many laws will be found which, while dealing in a general way with weights and measures, are but remotely concerned with regulatory activities. Obviously, it is both undesirable and impracticable to incorporate all such legislation in this compilation, and consequently all material has been rejected unless its inclusion seemed clearly warranted. Also in some instances there have been omitted from the compilation certain laws which, while they may be technically in effect, are actually obsolete. Again, when session laws repealed former statutes, either directly or by implication, care has been exercised to omit all repealed legislation and to make all necessary corrections and appropriate explanations.

This compilation is intended to bring the weights and measures laws as nearly up to date as practicable, and includes the session laws of 1925. The latest authorized codes and compiled statutes were consulted; or, in the absence of such authorized works, the latest generally accepted compiled statutes were taken. Legislation passed subsequent to these works was taken from the session laws on file in the library of the Supreme Court of the United States.

In some instances no side titles were given in the publication from which the law was taken, and in these cases side titles have been supplied for convenience of reference. In other cases it has been necessary to change the side titles in order to give a clearer idea of the subject matter selected. It is not within the scope of this work to give a complete history of the acts; but in consulting a compilation of this kind it is usually desirable and often important to know when a particular section was enacted or last amended, and an endeavor has been made to give this information. This has been done by putting after the section number, in parentheses, the date of enactment, thus (1878), or, in the case of an amended section, by putting the letter "a" before the date of the last amendment, thus (a1914). If a section was amended subsequently to the issuance of the code or statutes in which it is found, such amendment is noted after the section number, as, for example, "Sec. 2376, as amended by Laws, 1917, ch. 60, p. 125." Such notice of amendment applies only to the particular section indicated. The date appearing immediately after a section number applies to that section and to those which follow until another date is given. A degree mark appearing immediately following the section number, thus, "Sec. 491°," is used to indicate that the date of enactment of the section has not been found, and this mark applies to sections following until another date appears. Where reference is made to the session laws, the year such laws were passed is always given in the reference, and it is therefore unnecessary to duplicate the year by putting it after the section number.

FEDERAL LAWS AND REGULATIONS CONCERNING WEIGHTS AND MEASURES

UNITED STATES

Const. U. S., Art. I.

Sec. 8, par. 5 (1787). National standard of weights and measures.—The Congress shall have Power * * * To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

31 Stat., ch. 872, p. 1449.

Sec. 1 (1901). Establishment of the National Bureau of Standards.—The Office of Standard Weights and Measures shall hereafter be known as the National Bureau of Standards.

Sec. 2. Custody of standards; comparisons; construction of standards; tests; investigations.—That the functions of the bureau shall consist in the custody of the standards; the comparison of the standards used in scientific investigations, engineering, manufacturing, commerce, and educational institutions with the standards adopted or recognized by the Government; the construction, when necessary, of standards, their multiples and subdivisions; the testing and calibration of standard measuring apparatus; the solution of problems which arise in connection with standards; the determination of physical constants and the properties of materials, when such data are of great importance to scientific or manufacturing interests and are not to be obtained of sufficient accuracy elsewhere.

Sec. 3. For whom its functions may be exercised.—That the bureau shall exercise its functions for the Government of the United States; for any State or municipal government within the United States; or for any scientific society, educational institution, firm, corporation, or individual within the United States engaged in manufacturing or other pursuits requiring the use of standards or standard measuring instruments. All requests for the services of the bureau shall be made in accordance with the rules and regulations herein established.

Sec. 5, as amended by act of March 4, 1911. Director; powers and duties; annual report; bulletins of information.—That the director shall be appointed by the President, by and with the advice and consent of the Senate. He shall have the general supervision of the bureau, its equipment, and the exercise of its functions. He shall make an annual report to the Secretary of the Treasury,[1] including an abstract of the work done during the year and a financial statement. He may issue, when necessary, bulletins for public distribution, containing such information as may be of value to the public or facilitate the bureau in the exercise of its functions. Hereafter in the case of the absence of the Director of the Bureau of Standards, the Secretary of Commerce and Labor [1] may designate some officer of said bureau to perform the duties of the director during his absence.

[1] By the act of Congress establishing the Department of Commerce and Labor, the National Bureau of Standards was transferred to the new department. Subsequently this department was divided into two departments, namely, the Department of Commerce and the Department of Labor, the National Bureau of Standards being placed under the former. The word "Commerce" should therefore be substituted for "Treasury" and "Commerce and Labor" wherever occurring in the act.

Sec. 6. Appointments.—That the officers and employees provided for by this act, except the director, shall be appointed by the Secretary of the Treasury,[2] at such time as their respective services may become necessary.

Sec. 8. Fees for tests, etc.—That for all comparisons, calibrations, tests, or investigations, except those performed for the Government of the United States or State governments within the United States, a reasonable fee shall be charged, according to a schedule submitted by the director and approved by the Secretary of the Treasury.[2]

Sec. 9. Regulations.—That the Secretary of the Treasury [2] shall, from time to time, make regulations regarding the payment of fees, the limits of tolerance to be attained in standards submitted for verification, the sealing of standards, the disbursement and receipt of moneys, and such other matters as he may deem necessary for carrying this act into effect.

Sec. 10. Visiting committee.—That there shall be a visiting committee of five members, to be appointed by the Secretary of the Treasury,[2] to consist of men prominent in the various interests involved, and not in the employ of the Government. This committee shall visit the bureau at least once a year, and report to the Secretary of the Treasury,[2] upon the efficiency of its scientific work and the condition of its equipment. The members of this committee shall serve without compensation, but shall be paid the actual expenses incurred in attending its meetings. The period of service of the members of the original committee shall be so arranged that one member shall retire each year, and the appointments thereafter to be for a period of five years. Appointments made to fill vacancies occurring other than in the regular manner are to be made for the remainder of the period in which the vacancy exists.

5 Stat., p. 133; Joint Resolution of Congress, June 14, 1836.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, directed to cause a complete set of all weights and measures adopted as standards and now either made or in progress of manufacture for the use of the several customhouses, and for other purposes, to be delivered to the governor of each State in the Union, or such person as he may appoint for the use of the States, respectively, to the end that a uniform standard of weights and measures may be established throughout the United States.

14 Stat., p. 369; Joint Resolution of Congress, July 27, 1866.

Standard weights and measures of the metric system to be furnished to the States.—*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to furnish to each State, to be delivered to the governor thereof, one set of standard weights and measures of the metric system for the use of the States, respectively.

21 Stat., p. 521 Joint Res. No. 26, (1881).

Standard weights and measures; for agricultural colleges; for the Smithsonian Institution.—*Resolved by the Senate and House of Rep-*

[2] See footnote 1, p. 5.

resentatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to cause a complete set of all the weights and measures adopted as standards to be delivered to the governor of each State in the Union, for the use of agricultural colleges in the States, respectively, which have received a grant of lands from the United States, and also one set of the same for the use of the Smithsonian Institution: *Provided*, That the cost of each set shall not exceed two hundred dollars, and a sum sufficient to carry out the provisions of this resolution is hereby appropriated out of any money in the Treasury not otherwise appropriated.

26 Stat., ch. 667, p. 242.

Sec. 1 (1890). Repairs to standard weights and measures.—* * * hereafter such necessary repairs and adjustments shall be made to the standards furnished to the several States and Territories as may be requested by the governors thereof, and also to standard weights and measures that have been, or may hereafter be, supplied to United States customhouses and other offices of the United States, under act of Congress, when requested by the Secretary of the Treasury. * * *.

28 Stat., ch. 301, p. 383.

Sec. 1 (1894). Replacing lost standard weights and measures.—The Secretary of the Treasury * * * is * * * authorized and directed to furnish precise copies of standard weights and measures bearing the seal of the office of construction of standard weights and measures of the United States, and accompanied by a suitable certificate, to any State, Territory, or institution heretofore furnished with the same, upon application in writing by the governor in the case of a State or Territory, or by the official head in the case of an institution, setting forth that the copies of standards applied for are to replace similar ones heretofore furnished, in accordance with law, by the office of construction of standard weights and measures of the United States which have been lost or destroyed: *Provided*, That the applicant shall, before the said standards are delivered, first deposit with the Secretary of the Treasury the amount of money necessary to defray all expenses incurred by the office of construction of standard weights and measures in furnishing the same, which amount shall be covered into the Treasury of the United States to the credit of miscellaneous receipts, as soon as the weights or measures are delivered for transportation into the hands of such persons as are designated by the officers ordering the same.

U. S. Coast and Geodetic Survey, Bulletin 26, Apr. 5, 1893; yard and pound to be derived from meter and kilogram.—* * * the Office of Weights and Measures,[3] with the approval of the Secretary of the Treasury, will in the future regard the International Prototype Metre and Kilogramme as fundamental standards, and the customary units, the yard and the pound, will be derived therefrom in accordance with the act of July 28, 1866.

R. S. 3569 (1866).

The metric system authorized.—It shall be lawful throughout the United States of America to employ the weights and measures of

[3] Now the National Bureau of Standards.

the metric system; and no contract or dealing, or pleading in any court, shall be deemed invalid or liable to objection because the weights or measures expressed or referred to therein are weights or measures of the metric system.

R. S. 3570 (1866).

Authorized tables of weights and measures; equivalents established.—The tables in the schedule hereto annexed shall be recognized in the construction of contracts, and in all legal proceedings, as establishing, in terms of the weights and measures now in use in the United States, the equivalents of the weights and measures expressed therein in terms of the metric system; and the tables may lawfully be used for computing, determining, and expressing in customary weights and measures the weights and measures of the metric system.

Tables of units.

MEASURES OF LENGTH

Metric denominations and values		Equivalents in denominations in use
Myriameter	10,000 meters.	6. 2137 miles.
Kilometer	1,000 meters.	0. 62137 miles, or 3,280 feet and 10 inches.
Hectometer	100 meters.	328 feet and 1 inch.
Dekameter	10 meters.	393. 7 inches.
Meter	1 meter.	39. 37 inches.
Decimeter	$\frac{1}{10}$ of a meter.	3. 937 inches.
Centimeter	$\frac{1}{100}$ of a meter.	0. 3937 inch.
Millimeter	$\frac{1}{1000}$ of a meter.	0. 0394 inch.

MEASURES OF CAPACITY

Metric denominations and values			Equivalents in denominations in use	
Names	Number of liters	Cubic measure	Dry measure	Liquor or wine measure
Kiloliter or stere	1,000	1 cubic meter	1. 308 cub. yards	264. 17 gallons.
Hectoliter	100	$\frac{1}{10}$ of a cubic meter	2 bushels and 3.35 pecks	26. 417 gallons.
Dekaliter	10	10 cubic decimeters	9. 08 quarts	2. 6417 gallons.
Liter	1	1 cubic decimeter	0. 908 quart	1. 0567 quarts.
Deciliter	$\frac{1}{10}$	$\frac{1}{10}$ of a cub. decimete	6. 1022 cub. inch	0. 845 gill.
Centiliter	$\frac{1}{100}$	10 cubic centimetersr	0. 6102 cub. inch	0. 338 fluid ounce.
Milliliter	$\frac{1}{1000}$	1 cubic centimeter	0. 061 cub. inch	0. 27 fluid dram.

MEASURES OF SURFACE

Metric denominations and values		Equivalents in denominations in use
Hectare	10,000 square meters.	2. 471 acres.
Are	100 square meters.	119. 6 square yards.
Centare	1 square meter.	1, 550 square inches.

WEIGHTS

Metric denominations and values			Equivalents in denominations in use
Names	Number of grams	Weight of what quantity of water at maximum density	Avoirdupois weight
Millier or tonneau	1, 000, 000	1 cubic meter	2204. 6 pounds.
Quintal	100, 000	1 hectoliter	220. 46 pounds.
Myriagram	10, 000	10 liters	22. 046 pounds.
Kilogram or kilo	1, 000	1 liter	2. 2046 pounds.
Hectogram	100	1 deciliter	3. 5274 ounces.
Dekagram	10	10 cubic centimeters	0. 3527 ounce.
Gram	1	1 cubic centimeter	15. 432 grains.
Decigram	$\frac{1}{10}$	$\frac{1}{10}$ of a cubic centimeter	1. 5432 grains.
Centigram	$\frac{1}{100}$	10 cubic millimeters	0. 1543 grain.
Milligram	$\frac{1}{1000}$	1 cubic millimeter	0. 0154 grain.

28 Stat., ch. 131, p. 102.

Sec. 1 (1894). Legal units of electrical measure established.—* * * from and after the passage of this act the legal units of electrical measure in the United States shall be as follows:

Unit of resistance, ohm.—First. The unit of resistance shall be what is known as the international ohm, which is substantially equal to one thousand million units of resistance of the centimeter-gram-second system of electromagnetic units, and represented by the resistance offered to an unvarying electric current by a column of mercury at the temperature of melting ice fourteen and four thousand five hundred and twenty-one ten-thousandths grams in mass, of a constant cross-sectional area, and of the length of one hundred and six and three-tenths centimeters.

Unit of current, ampere.—Second. The unit of current shall be what is known as the international ampere, which is one-tenth of the unit of current of the centimeter-gram-second system of electromagnetic units, and is the practical equivalent of the unvarying current, which, when passed through a solution of nitrate of silver in water in accordance with standard specifications, deposits silver at the rate of one thousand one hundred and eighteen millionths of a gram per second.

Unit of electromotive force, volt.—Third. The unit of electromotive force shall be what is known as the international volt, which is the electromotive force that, steadily applied to a conductor whose resistance is one international ohm, will produce a current of an international ampere, and is practically equivalent to[4] one thousand fourteen-hundred-and-thirty-fourths of the electromotive force between the poles or electrodes of the voltaic cell known as Clark's cell, at a temperature of fifteen degrees centigrade, and prepared in the manner described in the standard specifications.

Unit of quantity, coulomb.—Fourth. The unit of quantity shall be what is known as the international coulomb, which is the quantity of electricity transferred by a current of one international ampere in one second.

Unit of capacity, farad.—Fifth. The unit of capacity shall be what is known as the international farad, which is the capacity of a condenser charged to a potential of one international volt by one international coulomb of electricity.

Unit of work, joule.—Sixth. The unit of work shall be the joule, which is equal to ten million units of work in the centimeter-gram-second system, and which is practically equivalent to the energy expended in one second by an international ampere in an international ohm.

Unit of power, watt.—Seventh. The unit of power shall be the watt, which is equal to ten million units of power in the centimeter-gram-second system, and which is practically equivalent to the work done at the rate of one joule per second.

Unit of induction, henry.—Eighth. The unit of induction shall be the henry, which is the induction in a circuit when the electromotive force induced in this circuit is one international volt while the inducing current varies at the rate of one ampere per second.

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[4] Equivalent to $\frac{1000}{1434}$.

Sec. 2. Specification for practical use of units.—That it shall be the duty of the National Academy of Sciences to prescribe and publish, as soon as possible after the passage of this act, such specifications of details as shall be necessary for the practical application of the definitions of the ampere and volt hereinbefore given, and such specifications shall be the standard specifications herein mentioned.[5]

Metric Convention;[6] International Bureau of Weights and Measures.

His Excellency the President of the United States of America, His Majesty the Emperor of Germany, His Majesty the Emperor of Austria-Hungary, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Excellency the President of the Argentine Confederation, His Majesty the King of Denmark, His Majesty the King of Spain, His Excellency the President of the French Republic, His Majesty the King of Italy, His Excellency the President of the Republic of Peru, His Majesty the King of Portugal and the Argarves, His Majesty the Emperor of all the Russias, His Majesty the King of Sweden and Norway, His Excellency the President of the Swiss Confederation, His Majesty the Emperor of the Ottomans, and His Excellency the President of the Republic of Venezuela, desiring international uniformity and precision in standards of weight and measure, have resolved to conclude a convention to this effect, and have named as their plenipotentiaries the following: * * *

Who, after having exhibited their full powers, which were found to be in good and due form, have agreed upon the following articles:

Article 1. The high contracting parties engage to establish and maintain, at their common expense, a scientific and permanent international bureau of weights and measures, the location of which shall be at Paris.

Art. 2. The French Government shall take all the necessary measures to facilitate the purchase, or, if expedient, the construction, of a building which shall be especially devoted to this purpose, subject to the conditions stated in the regulations which are subjoined to this convention.

Art. 3. The operation of the international bureau shall be under the exclusive direction and supervision of an international committee of weights and measures, which latter shall be under the control of a general conference for weights and measures, to be composed of the delegates of all the contracting Governments.

Art. 4. The general conference for weights and measures shall be presided over by the president for the time being of the Paris Academy of Sciences.

Art. 5. The organization of the bureau, as well as the formation and the powers of the international committee, and of the general conference for weights and measures, are established by the regulations subjoined to this convention.

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[5] See Bulletin No. 2, Bureau of Standards, for detailed specifications herein provided for.

[6] Metric convention (translation) signed at Paris, May 20, 1875; ratification advised by the Senate, May 15, 1878; ratified by the President, May 28, 1878; ratifications exchanged, August 2, 1878; proclaimed, September 27, 1878: As amended by the convention signed at Sevres, October 6, 1921; ratification advised by the Senate, January 5, 1923; ratified by the President, September 19, 1923; ratification of the United States, deposited with the Government of the French Republic, October 24, 1923; proclaimed, October 27, 1923.

Art. 6. The international bureau of weight and measures shall be charged with the following duties:

First. All comparisons and verifications of the new prototypes of the meter and kilogram.

Second. The custody of the international prototypes.

Third. The periodical comparison of the national standards with the international prototypes and with their test copies, as well as comparisons of the standard thermometers.

Fourth. The comparison of the prototypes with the fundamental standards of nonmetrical weights and measures used in different countries for scientific purposes.

Fifth. The sealing and comparison of geodesic measuring bars.

Sixth. The comparison of standards and scales of precision, the verification of which may be requested by governments or by scientific societies, or even by constructors or men of science.

Art. 7. After the committee shall have proceeded with the work of coordinating the measures relative to electric units and when the general conference shall have so decided by a unanimous vote, the bureau will have charge of the establishment and keeping of the standards of the electric units and their test copies and also of comparing with those standards, the national or other standards of precision.

The bureau is also charged with the duty of making the determinations relative to physical constants, a more accurate knowledge of which may be useful in increasing precision and further insuring uniformity in the provinces to which the above-mentioned units belong (article 6 and first paragraph of article 7).

It is finally charged with the duty of coordinating similar determinations effected in other institutions.

Art. 8. The international prototypes and standards and also their test copies shall be deposited in the bureau; access to the deposit shall be solely reserved for the international committee.

Art. 9. The entire expense of the construction and outfit of the international bureau of weights and measures, together with the annual cost of its maintenance and the expenses of the committee, shall be defrayed by contributions from the contracting states, the amount of which shall be computed in proportion to the actual population of each.

Art. 10. The amounts representing the contributions of each of the contracting States shall be paid at the beginning of each year, through the ministry of foreign affairs of France, into the *Caisse de dépôts et consignations* at Paris, whence they may be drawn as occasion may require, upon the order of the director of the bureau.

Art. 11. Those Governments which may take advantage of the privilege, open to every State, of acceding to this convention shall be required to pay a contribution, the amount of which shall be fixed by the committee on the basis established in article 9, and which shall be devoted to the improvement of the scientific apparatus of the bureau.

Art. 12. The high contracting parties reserve to themselves the power of introducing into the present convention, by common consent, any modifications the propriety of which may have been shown by experience.

Art. 13. At the expiration of twelve years this convention may be abrogated by any one of the high contracting parties, so far as it is concerned.

Any Government which may avail itself of the right of terminating this convention, so far as it is concerned, shall be required to give notice of its intentions one year in advance, and by so doing shall renounce all rights of joint ownership in the international prototypes and in the bureau. * * *.

Appendix No. 1 (translation), Regulations.

Article 1. The international bureau of weights and measures shall be established in a special building, possessing all the necessary safeguards of stillness and stability.

It shall comprise, in addition to the vault, which shall be devoted to the safe-keeping of the prototypes, rooms for mounting the comparators and balances; a laboratory, a library, a room for the archives, workrooms for the employés, and lodgings for the watchmen and attendants.

Art. 2. It shall be the duty of the international committee to acquire and fit up the aforesaid building and to set in operation the work for which is was designed.

In case of the committee's inability to obtain a suitable building one shall be built under its directions and in accordance with its plans.

Art. 3. The French Government shall, at the request of the international committee, take the necessary measures to cause the bureau to be recognized as an establishment of public utility.

Art. 4. The international committee shall cause the necessary instruments to be constructed, such as comparators for the standards of line and end measures, apparatus for the determination of absolute dilatations, balances for weighing in air and in vacuo, comparators for geodetic measuring bars, etc.

Art. 5. The entire expense incurred in the purchase or construction of the building, and in the purchase and placing of the instruments and apparatus, shall not exceed 400,000 francs.

Art. 6. The annual appropriation for the international bureau consists of two parts, one of which is fixed, the other complementary.

The fixed part is, in principle, 250,000 francs, but on the unanimous vote of the committee may be raised to 300,000 francs. It is borne by all the States and autonomous colonies that adhered to the meter convention before the sixth general conference.

The complementary part is made up of contributions from the States and autonomous colonies that joined the convention after the aforesaid general conference. The committee is charged with the duty of drawing up on the motion of the director the annual budget, but without exceeding the amount computed in accordance with the provisions of the two paragraphs above. The budget is made known every year by means of a special financial report to the Governments of the high contracting parties.

If the committee find it necessary either to increase beyond 300,000 francs the fixed part of the annual appropriation or to modify the computation of the contributions as determined by article 20 of these regulations, it should lay the matter before the Governments so as to enable them to issue in good time the needed instructions

to their delegates to the next general conference in order that the said conference may deliberate to good purpose. The decision will stand only in the case that no opposition shall have been expressed before or in the conference by any of the contracting States.

If the State should let three years go without paying its contribution, that contribution shall be divided among the other States proportionally to their own contribution. The additional sum thus paid by the States to make up the whole of the appropriation of the bureau shall be regarded as an advance to the delinquent State and shall be reimbursed to them if that State should make good its arrears. The advantages and prerogatives conferred by adhering to the meter convention are suspended in the case of States that have been delinquent three years.

After three more years the delinquent State shall be expelled from the convention and the reckoning of the contributions restored in accordance with the provisions of article 20 of these regulations.

Art. 7. The general conference mentioned in article 3 of this convention shall be at Paris, upon the summons of the international committee, at least once every six years.

It shall be its duty to discuss and initiate measures necessary for the dissemination and improvement of the metrical system, and to pass upon such new fundamental metrological determinations as may have been made during the time when it was not in session. It shall receive the report of the international committee concerning the work that has been accomplished, and shall replace one-half of the international committee by secret ballot.

The voting in the general conference shall be by States; each State shall be entitled to one vote.

Each of the members of the international committee shall be entitled to a seat at the meetings of the conference. They may at the same time be delegates of their Governments.

Art. 8. The international committee mentioned at article 3 of the convention shall be composed of 18 members all from different States.

At the time of the renewal by halves of the international committee the outgoing members shall be first those who may have been provisionally elected to fill vacancies between two sessions of the conference; the others will be drawn by lot. Outgoing members may be reelected.

Art. 9. The international committee organizes itself by electing by its own secret vote its chairman and secretary. Those appointments are notified to the Governments of the high contracting parties.

The chairman and the secretary of the committee and the director of the bureau must belong to different countries.

Once organized, the committee can not hold other elections or make other appointments except before three months shall have elapsed after the notice of a vacancy calling for a vote shall have been given to all the members.

Art. 10. The international committee directs all the metrological works that the high contracting parties shall decide to have carried on jointly.

It is also charged with the duty of seeing to the conservation of the international prototypes and standards.

It may, lastly, institute the cooperation of specialists in questions of metrology and coordinate the results of their work.

Art. 11. The committee shall meet at least once in two years.

Art. 12. The balloting in the committee is by a majority vote; in case of a tie vote the chairman has the casting vote.

Decisions are only valid if the members present are at least one half of the elected members forming the committee.

Subject to that condition absent members have a right to delegate their votes to present members who must prove that they have been so delegated. This also applies to appointments by secret ballot.

The director of the bureau is a nonvoting member of the committee.

Art. 13. During the interval occurring between two sessions the committee shall have the right to discuss questions by correspondence.

In such cases, in order that its resolutions may be considered to have been adopted in due form, it shall be necessary for all the members of the committee to have been called upon to express their opinions.

Art. 14. The international committee for weights and measures shall provisionally fill such vacancies as may occur in it; these elections shall take place by correspondence, each of the members being called upon to take part therein.

Art. 15. The international committee will draw up a detailed set of regulations for the organization and work of the bureau and will fix the dues to be paid for the extraordinary works provided by articles 6 and 7 of the convention.

Those dues will be applied to improving the scientific equipment of the bureau. A certain amount may be drawn annually for the retirement fund from the total dues collected by the bureau.

Art. 16. All communications from the international committee to the Governments of the high contracting parties shall take place through the diplomatic representatives of such countries at Paris.

For all matters requiring the attention of the French authorities, the committees shall have recourse to the ministry of foreign affairs of France.

Art. 17. A regulation drawn up by the committee will determine the maximum staff for each category of the personnel of the bureau. The director and his assistants shall be elected by secret ballot by the international committee. Other appointments shall be notified to the Governments of the high contracting parties. The director will appoint the other members of the personnel within the bounds laid by the regulation mentioned in the first paragraph above.

Art. 18. The director of the bureau shall have access to the place where the international prototypes are deposited only in pursuance of a resolution of the committee and in the presence of at least one of its members. The place of deposit of the prototypes shall be opened only by means of three keys, one of which shall be in the possession of the director of archives of France, the second in that of the chairman of the committee, and the third in that of the director of the bureau.

The standards of the class of national prototypes alone shall be used for the ordinary comparing work of the bureau.

Art. 19. The director of the bureau shall annually furnish to the committee: First, a financial report concerning the accounts of the preceding year, which shall be examined, and if found correct, a

certificate to that effect shall be given him; second, a report on the condition of the apparatus; third, a general report concerning the work accomplished during the course of the year just closed.

The international committee shall make to each of the Governments of the high contracting parties an annual report concerning all its scientific, technical, and administrative operations, and concerning those of the bureau. The chairman of the committee shall make a report to the general conference concerning the work that has been accomplished since its last session.

The reports and publications of the committee shall be in the French language. They shall be printed and furnished to the Governments of the high contracting parties.

Art. 20. The scale of contributions spoken of in article 9 of the convention is established for its fixed part on the basis of the appropriation referred to in article 6 of the present regulations and of the population; the normal contribution of each State can not be less than five to a thousand nor more than 15 per cent of the whole appropriation, regardless of the population. In order to establish that scale, it shall first be found which are the States that are in the conditions required for the minimum and maximum and the remainder of the quota shall be distributed among the other States in the direct ratio of their population.

The quota thus reckoned stands for the whole time included between two consecutive general conferences and can only be modified in the meanwhile in the following cases:

(*a*) If one of the adhering States allows three successive years to pass without making its payments;

(*b*) When, on the contrary, a State which had been previously delinquent for more than three years pays up its arrears, and the occasion arises to return to the other Governments the advances made by them.

The complementary contribution is computed on the same basis of population and is like that which the States that have long belonged to the convention pay under the same conditions.

If after adhering to the convention a State declares it would like to extend the benefits thereof to one or more of its colonies that are not autonomous, the number of the population of the said colonies would be added to that of the State in reckoning the scale of contributions.

When a colony that is recognized as autonomous shall desire to adhere to the convention, it will be regarded with respect to its admission into the convention and as the mother country may decide, either as a dependency of that mother country or as a contracting State.

Art. 21. The expense of constructing the international prototypes and the standards and test copies which are to accompany them shall be defrayed by the high contracting parties in accordance with the scale fixed in the foregoing article.

The amounts to be paid for the comparison and verification of standards required by States not represented at this convention shall be regulated by the committee in conformity with the rates fixed in virtue of article 15 of the regulations.

Art. 22. These regulations shall have the same force and value as the convention to which they are annexed. * * *

Appendix No. 2 (translation), Transient Provisions.

[The text of these provisions is omitted since they no longer have any significance.]

Metric Carat.

Circular No. 43, Bureau of Standards, issued November 1, 1913.—Beginning July 1, 1913, the Bureau of Standards will recognize the international metric carat of 200 milligrams as the unit of weight for diamonds and other precious stones and will use this unit for the purposes of certification of all carat weights submitted to the bureau for test.

Treasury Department order, June 17, 1913, to collectors and other officers of the customs.—On and after July 1, 1913, the unit of weight for imported diamonds, pearls, and other precious stones will be the metric carat of 200 milligrams.

Collectors at ports now equipped with scales for weighing precious stones will make requisition for a new set of weights based upon such carat.

Regulations for the Government of the U. S. Public Health Service, approved by the President, August 29, 1920.

Par. 516. Use of metric system required.—Officers shall, for all official, medical, and pharmacal purposes, make use of the metric system of weights and measures.

Army Regulations.

Regulations 40–590, par. 17–b. Use of metric system for prescriptions.—Pharmacy management. * * *

(*b*) Records.

1. In time of peace and, so far as practicable, in time of war all prescriptions will be written in the metric system. * * *

37 Stat., ch. 117, p. 732.

Sec. 1 (1913). Pure food regulations amended; packages to be marked with weight, etc., proviso; variations and exemptions permitted.—That section eight of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June thirtieth, nine hundred and six, be, and the same is hereby, amended by striking out the words " Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package," and inserting in lieu thereof the following:

Third. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: *Provided, however*, That reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of section three of this act.

Sec. 2. In effect.—That this act shall take effect and be in force from and after its passage: *Provided, however*, That no penalty of fine, imprisonment, or confiscation shall be enforced for any violation of its provisions as to domestic products prepared or foreign products imported prior to eighteen months after its passage.

41 Stat. ch. 26, p. 234, 271 (1919).

Wrapped meats required to have net contents marked.—That the word "package," where it occurs the second and last time in the act entitled "An act to amend section 8 of an act entitled, 'An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes,'" approved March 3, 1913, shall include and shall be construed to include wrapped meats inclosed in papers or other materials as prepared by the manufacturers thereof for sale.

U. S. Department of Agriculture, Circular 21, Eighth Revision, Rules and Regulations for the Enforcement of the Federal Food and Drugs Act, promulgated May 20, 1922.

Introduction.—The accompanying rules and regulations for the enforcement of the food and drugs act of June 30, 1906, as amended, supersede those previously promulgated.

Under date of October 17, 1906, 40 rules and regulations for the enforcement of the act were adopted. These original 40 regulations have been amended and modified from time to time by subsequent decisions, but heretofore their numerical order has not been changed. The present revision contains but 31 regulations. A few of the original regulations have been dropped, several new regulations have been added, and the numerical order has been changed. * * *

Regulation 26.[7]**—Statement of weight, measure, or count.**—(*a*) Except as otherwise provided by this regulation, a package of food shall be plainly and conspicuously marked with the quantity of the contents in terms of weight, measure, or numerical count on the outside of the container, or of the covering of the package usually delivered to the consumer.

(*b*) The quantity of the contents so marked shall be the quantity of food in the package.

(*c*) The statement of the quantity of the contents shall be plain and conspicuous, shall not be a part of or obscured by any legend or design, and shall be so placed and in such characters as to be readily seen and clearly legible when the size of the package and the circumstances under which it is ordinarily examined by purchasers or consumers are taken into consideration.

(*d*) The quantity of the contents when stated by weight or measure shall be marked in terms of the largest unit contained in the package, except that, in the case of an article with respect to which there exists a definite trade custom for marking the quantity of the article in terms of fractional parts of larger units, it may be so marked in accordance with the custom. Common fractions shall be reduced to their lowest terms; fractions expressed as decimals

[7] Formerly regulation 29.

shall be preceded by zero and shall be carried out to not more than two places.

(*e*) Statement of weight shall be in terms of the avoirdupois pound and ounce; statement of liquid measure shall be in terms of the United States gallon of 231 cubic inches and its customary subdivisions, i. e., gallons, quarts, pints, or fluid ounces, and shall express the volume of the liquid at 68° F. (20° C.); statement of dry measure shall be in terms of the United States standard bushel of 2,150.42 cubic inches and its customary subdivisions, i. e., bushels, pecks, quarts, or pints, or, in the case of articles in barrels, in terms of the United States standard barrel and its lawful subdivisions, i. e., third, half, or three-quarters barrel, as fixed by the act of March 4, 1915 (38 Stat. 1186): *Provided*, That statement of quantity may be in terms of metric weight or measure. Statement of metric weight shall be in terms of kilograms or grams. Statement of metric measure shall be in terms of liters or cubic centimeters. Other terms of metric weight or measure may be used if it appears that a definite trade custom exists for marking articles with such other terms and the articles are marked in accordance with the custom.

(*f*) The quantity of solids shall be stated in terms of weight and the quantity of liquids in terms of measure, except that in case of an article in respect to which there exists a definite trade custom; otherwise the statement may be in terms of weight or measure in accordance with such custom. The quantity of viscous or semisolid foods or of mixtures of solids and liquids may be stated either by weight or measure, but the statement shall be definite and shall indicate whether the quantity is expressed in terms of weight or measure, as, for example, " weight 12 oz." or " 12 oz. avoirdupois," " volume 12 ounces " or " 12 fluid ounces."

(*g*) The quantity of the contents shall be stated in terms of weight or measure unless the package is marked by numerical count and such numerical count gives accurate information as to the quantity of the food in the package.

(*h*) The quantity of the contents may be stated in terms of minimum weight, minimum measure, or minimum count, for example, " minimum weight 10 oz.," " minimum volume 1 gallon," or " not less than 4 fl. oz.," but in such case the statement must approximate the actual quantity and there shall be no tolerance below the stated minimum.

(*i*) The following tolerances and variations from the quantity of the contents marked on the package shall be allowed:

(1) Discrepancies due exclusively to errors in weighing, measuring, or counting which occur in packing conducted in compliance with good commercial practice.

(2) Discrepancies due exclusively to differences in the capacity of bottles and similar containers, resulting solely from unavoidable difficulties in manufacturing such bottles or containers so as to be of uniform capacity: *Provided*, That no greater tolerance shall be allowed in case of bottles or similar containers which, because of their design, can not be made of approximately uniform capacity than is allowed in case of bottles or similar containers which can be manufactured so as to be of approximately uniform capacity.

(3) Discrepancies in weight or measure due exclusively to differences in atmospheric conditions in various places and which unavoidably result from the ordinary and customary exposure of the packages to evaporation or to the absorption of water.

Discrepancies under classes (1) and (2) of this paragraph shall be as often above as below the marked quantity. The reasonableness of discrepancies under class (3) of this paragraph will be determined on the facts in each case.

(*j*) A package containing one-half avoirdupois ounce of food or less is "small" and shall be exempt from marking in terms of weight.

(*k*) A package containing one fluid ounce of food or less is "small" and shall be exempt from marking in terms of measure.

(*l*) When a package is not required by paragraph (*g*) to be marked in terms of either weight or measure and the units of food therein are six or less, it shall, for the purpose of this regulation, be deemed "small" and shall be exempt from marking in terms of numerical count.

37 Stat., ch. 273, p. 250.

Sec. 1 (1912). Apples, standard barrel established for; proviso; steel barrels.[8]—That the standard barrel for apples shall be of the following dimensions when measured without distention of its parts: Length of stave, twenty-eight and one-half inches; diameter of head, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of bulge, sixty-four inches outside measurement, representing as nearly as possible seven thousand and fifty-six cubic inches: *Provided*, That steel barrels containing the interior dimensions provided for in this section shall be construed as a compliance therewith.

Sec. 2. Grades established for apples in interstate, etc., commerce.—That the standard grades for apples when packed in barrels which shall be shipped or delivered for shipment in interstate or foreign commerce, or which shall be sold or offered for sale within the District of Columbia or the Territories of the United States shall be as follows: Apples of one variety, which are well-grown specimens, hand picked, of good color for the variety, normal shape, practically free from insect and fungous injury, bruises, and other defects, except such as are necessarily caused in the operation of packing, or apples of one variety which are not more than ten per centum below the foregoing specifications shall be "Standard grade minimum size two and one-half inches," if the minimum size of the apples is two and one-half inches in transverse diameter; "Standard grade minimum size two and one-fourth inches," if the minimum size of the apples is two and one-fourth inches in transverse diameter; or "Standard grade minimum size two inches," if the minimum size of the apples is two inches in transverse diameter.

Sec. 3. Branding of barrels.—That the barrels in which apples are packed in accordance with the provision of this act may be branded in accordance with section two of this act.

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[8] The provisions of this chapter have been modified to some extent by the provisions of the standard barrel law, passed in 1915 (38 Stat., ch. 158, p. 1186), and therefore this latter act should be consulted in this connection. (See p. 20.)

Sec. 4. Requirements for barrels; marking.—That all barrels packed with apples shall be deemed to be below standard if the barrel bears any statement, design, or device indicating that the barrel is a standard barrel of apples, as herein defined, and the capacity of the barrel is less than the capacity prescribed by section one of this act, unless the barrel shall be plainly marked on end and side with words or figures showing the fractional relation which the actual capacity of the barrel bears to the capacity prescribed by section one of this act. The marking required by this paragraph shall be in block letters of a size not less than seventy-two point one-inch gothic.

Sec. 5. Misbranding; contents below standard; insufficient statement.—That barrels packed with apples shall be deemed to be misbranded within the meaning of this act—

First. If the barrel bears any statement, design, or device indicating that the apples contained therein are "Standard" grade and the apples when packed do not conform to the requirements prescribed by section two of this act.

Second. If the barrel bears any statement, design, or device indicating that the apples contained therein are "Standard" grade and the barrel fails to bear also a statement of the name of the variety, the name of the locality where grown, and the name of the packer or the person by whose authority the apples were packed and the barrel marked.

Sec. 6. Penalty for violations.—That any person, firm or corporation, or association who shall knowingly pack or cause to be packed apples in barrels or who shall knowingly sell or offer for sale such barrels in violation of the provisions of this act shall be liable to a penalty of one dollar and costs for each such barrel so sold or offered for sale, to be recovered at the suit of the United States in any court of the United States having jurisdiction.

38 Stat., ch. 158, p. 1186.

Sec. 1 (1915). Fruits, vegetables, etc., standard barrel established for; proviso; cubic capacity accepted; standard barrel for cranberries.[9]—That the standard barrel for fruits, vegetables, and other dry[10] commodities other than cranberries shall be of the following dimensions when measured without distention of its parts: Length of stave, twenty-eight and one-half inches; diameter of heads, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of bulge, sixty-four inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch: *Provided*, That any barrel of a different form having a capacity of seven thousand and fifty-six cubic inches shall be a standard barrel. The standard barrel for cranberries shall be of the following dimensions when measured without distention of its parts: Length of staves, twenty-eight and one-half inches; diameter of head, sixteen and one-fourth inches; distance between heads, twenty-five and one-fourth inches; circumference of bulge, fifty-

[9] This law applies not only in interstate commerce, but to commerce within the States as well, and it appears to be the consensus of opinion of recognized authorities on law that such a law passed by Congress nullifies all State legislation in so far as the latter is in conflict with it. Hence for a correct interpretation of a State law pertaining to barrels it must be read in connection with this act of Congress.

[10] Lime is not now included within the purview of this law, since a more recent act (39 Stat., ch. 396, p. 530) has established standard barrels for lime upon a weight basis (see p. 26).

eight and one-half inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch.

Sec. 2. Sales in less capacity than standard a misdemeanor; punishment; proviso; exports.—That it shall be unlawful to sell, offer, or expose for sale in any State, Territory, or the District of Columbia, or to ship from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia or to a foreign country, a barrel containing fruits or vegetables or any other dry commodity of less capacity than the standard barrels defined in the first section of this act, or subdivisions thereof known as the third, half, and three-quarters barrel, and any person guilty of a willful violation of any of the provisions of this act shall be deemed guilty of a misdemeanor and be liable to a fine not to exceed $500, or imprisonment not to exceed six months, in the court of the United States having jurisdiction: *Provided, however*, That no barrel shall be deemed below standard within the meaning of this act when shipped to any foreign country and constructed according to the specifications or directions of the foreign purchaser if not constructed in conflict with the laws of the foreign country to which the same is intended to be shipped.

Sec. 3. Variations permitted; prosecutions; proviso; sales by weight or count excepted.—That reasonable variations shall be permitted and tolerance shall be established by rules and regulations made by the director of the Bureau of Standards and approved by the Secretary of Commerce. Prosecutions for offenses under this act may be begun upon complaint of local sealers of weights and measures or other officers of the several States and Territories appointed to enforce the laws of the said States or Territories, respectively, relating to weights and measures: *Provided, however*, That nothing in this act shall apply to barrels used in packing or shipping commodities sold exclusively by weight or numerical count.

Bureau of Standards, Circular No. 71, Rules and Regulations Promulgated Under Authority of the Federal Standard-Barrel Law, Issued Sept. 18, 1917.

In accordance with the provisions of section 3 of the act to fix the standard barrel for fruits, vegetables, and other dry commodities (38 Stat., ch. 158, p. 1186, 63d Cong.), approved March 4, 1915, there are hereby promulgated rules and regulations, made by the Director of the Bureau of Standards and approved by the Secretary of Commerce.

Paragraph 1. (*a*) The capacities of the standard barrel for fruits, vegetables, and other dry commodities,[11] other than cranberries, and its subdivisions are as follows:

Size	Cubic inches	Bushels [a]	Quarts [a]
Barrel	7,056	3.281	105
¾ barrel	5,292	2.461	78¾
½ barrel	3,528	1.641	52½
⅓ barrel	2,352	1.094	35

[a] Struck measure.

[11] Lime is not included within the purview of the law or of these rules and regulations, since a more recent act (39 Stat., ch., 396, p. 530) has established standard barrels especially for lime, upon a weight basis.

(*b*) The capacities of the standard cranberry barrel and its subdivisions are as follows:

Size	Cubic inches	Bushels [1]	Quarts [1]
Cranberry barrel	5,826	2.709	86$\frac{3}{4}$
$\frac{3}{4}$ cranberry barrel	4,369.5	2.032	65$\frac{1}{16}$
$\frac{1}{2}$ cranberry barrel	2,913	1.355	43$\frac{3}{8}$
$\frac{1}{3}$ cranberry barrel	1,942	0.903	28$\frac{15}{16}$

[1] Struck measure.

Par. 2. (*a*) Any barrel having the dimensions specified for a standard barrel for fruits, vegetables, and other dry commodities other than cranberries, in section 1 of the standard-barrel law, or any barrel or a subdivision thereof having the contents specified in section 1 of the standard-barrel law and in paragraph 1 (*a*) of these rules and regulations, regardless of its form or dimensions, is a legal standard barrel for fruits, vegetables, or other dry commodities other than cranberries, or a legal subdivision thereof. No other barrel or subdivision in barrel form is a legal container for fruits, vegetables, or other dry commodities other than cranberries.

(*b*) Any barrel having the dimensions specified for a standard barrel for cranberries in section 1 of the standard-barrel law, or any subdivision thereof having the contents specified in paragraph 1 (*b*) of these rules and regulations, regardless of its form or dimensions, is a legal standard barrel for cranberries or a legal subdivision thereof. No other barrel or subdivision in barrel form is a legal container for cranberries.

Par. 3. The tolerance established hereafter for the dimension specified as "distance between heads" shall be applied as follows on the various types of barrels in use:

(*a*) When a barrel or subdivision thereof has two heads, the tolerance shall be applied to the distance between the inside surfaces of the heads and perpendicular to them.

(*b*) When a barrel or subdivision thereof has but one head and a croze ring or other means for the insertion of a head, such as an inside hoop, etc., at the opposite end, the tolerance shall be applied to the distance from the inside surface of the bottom head and perpendicular to it to the inside edge of the croze ring, or to a point where the inside surface of a head would come were such head inserted in the barrel.

(*c*) When a barrel or subdivision thereof has but one head and no croze ring or other means for the insertion of a head, such as an inside hoop, etc., at the opposite end, the tolerance shall be applied to the distance from the inside surface of the bottom head and perpendicular to it to a point 1⅛ inches from the opposite end of the staves in the case of a barrel or a ¾ barrel, and to a point 1 inch or ⅞ inch from the opposite end of the staves in the case of the ½ barrel and ⅓ barrel, respectively. When a barrel or subdivision thereof has been manufactured with but one head and no

croze ring or other means for the insertion of a head at the opposite end, and it is desired to insert a second head, the croze ring shall be so cut that the inside edge shall not be more than 1⅛ inches from the end of the staves in the case of a barrel or ¾ barrel or not more than 1 inch or ⅞ inch from the end of the staves in the case of the ½ barrel and ⅓ barrel, respectively, or the other means shall be so adjusted that the inside surface of the head when inserted shall not exceed these distances from the end of the staves.

Par. 4. The tolerance established hereafter for the dimension specified as "diameter of head" shall be applied to the diameter of the head over all, including the part which fits into the croze ring of the completed barrel.

The tolerance established hereafter for the dimension specified as "effective diameter of head" shall be applied as follows on the various types of barrels and subdivisions in use:

(*a*) When a barrel or subdivision thereof has two heads, the tolerance shall be applied to the mean of the average diameters from inside to inside of staves at the inner edges of the heads.

(*b*) When a barrel or subdivision thereof has but one head and a croze ring or other means for the insertion of a head at the opposite end, the tolerance shall be applied to the mean of the average diameters, one taken from inside to inside of staves at the inner edge of the head, the other from inside to inside of staves at the inner edge of the croze ring, or from inside to inside of staves at a point where the inside surface of a head would come were such head inserted in the barrel.

(*c*) When a barrel or subdivision thereof has but one head and no croze ring or other means for the insertion of a head at the opposite end, the tolerance shall be applied to the mean of the average diameters, one taken from inside to inside of staves at the inner edge of the head, the other taken from inside to inside of staves at a point 1⅛ inches from the end of the staves in the case of a barrel or ¾ barrel, or at a point 1 inch or ⅞ inch from the end of the staves in the case of a ½ barrel or ⅓ barrel, respectively.

The standard allowance for depth of croze ring shall be $\frac{3}{16}$ inch. Therefore, the standard "effective diameter of head" in the case of the standard barrel is 16¾ inches and in the case of the standard cranberry barrel is 15⅞ inches.

Par. 5. Whenever in these rules and regulations the error on a dimension is mentioned, this error shall be determined by taking the difference between the actual measured dimension and the standard dimension. The error is an error in excess and is to be preceded by a plus sign when the measured dimension is greater than the standard dimension. The error is an error in deficiency and is to be preceded by a minus sign when the measured dimension is less than the standard dimension.

(*a*) The standard dimensions of a barrel for fruits, vegetables, and other dry commodities other than cranberries, and of a barrel for cranberries, with which the actual measured dimensions are to be compared, are as follows:

Dimensions	Barrel for fruits, vegetables, and other dry commodities other than cranberries	Barrel for cranberries
	Inches	*Inches*
Diameter of head	17⅛	16¼
Effective diameter of head (see par. 4)	16¾	15⅞
Distance between heads	26	25¼
Circumference of bulge, outside measurement	64	58½
Length of stave	28½	28½

(*b*) In the case of all subdivisions of the barrel for fruits, vegetables, and other dry commodities other than cranberries, and all subdivisions of the barrel for cranberries, the following dimensions are hereby standardized for the purpose of the application of tolerances, and the actual measured dimensions are to be compared with these:

Subdivisions of barrel for fruits, vegetables, and other dry commodities other than cranberries

Dimensions	¾ barrel	½ barrel	⅓ barrel
	Inches	*Inches*	*Inches*
Effective diameter of head (see par. 4)	15¼	13⅜	11⅝
Distance between heads	23½	20½	18
Circumference of bulge, outside measurement	58½	51½	45¼

Subdivisions of barrel for cranberries

Dimensions	¾ barrel	½ barrel	⅓ barrel
	Inches	*Inches*	*Inches*
Effective diameter of head (see par. 4)	14⅜	12⅝	11
Distance between heads	23	20	17½
Circumference of bulge, outside measurement	53⅜	47	41⅜

Par. 6. For the purpose of the application of tolerances, barrels for fruits, vegetables, and other dry commodities other than cranberries, are hereby divided into two classes as follows:

CLASS 1 shall include (*a*) all barrels no dimension of which is in error by more than the following amounts, and (*b*) all barrels one or more of the dimensions of which are in error by more than the following amounts, and which in addition have no dimension in error in the opposite direction:

	Error, inches
Effective diameter of head	¼
Distance between heads	¼
Circumference of bulge, outside measurement	1½

CLASS 2 shall include all barrels at least one dimension of which is in error by more than the amounts given above, but which in addition have at least one dimension in error in the opposite direction. (This class includes all barrels mentioned in section 1 of the law in the proviso reading: "*Provided*, That any barrel of a

different form having a capacity of seven thousand and fifty-six cubic inches shall be a standard barrel.")

Par. 7. (*a*) The tolerances to be allowed in excess or in deficiency on the dimensions of all barrels of class 1 shall be as follows:

	Tolerance, inches
Diameter of head	¼
Effective diameter of head	¼
Distance between heads	¼
Circumference of bulge, outside measurement	1½
Length of stave	½

If no dimension of a barrel of class 1 is in error by more than the tolerance given above, then the barrel is within the tolerance allowed.

If one or more of the dimensions of a barrel of class 1 is in error by more than the tolerance given above, then the barrel is not within the tolerance allowed.

(*b*) The tolerance to be allowed in excess or in deficiency on all barrels of class 2 shall be 1½ inches (1.5 inches), and this tolerance is to be applied to the result obtained by the application of the following rule:

Having determined the errors of each dimension and given to each its proper sign (see par. 5), add the errors on the effective diameter of head and the distance between heads algebraically and multiply the result by 1.67 (or 5/3). Then add this result to the error on the circumference of bulge algebraically. If the result obtained is not greater than the tolerance given above, then the barrel is within the tolerance allowed; if the result is greater than this tolerance, then the barrel is not within the tolerance allowed.

NOTE.—To find the algebraic sum of a number of quantities having different signs, first add all those having one sign; then add all those having the opposite sign; then subtract the smaller sum from the larger, giving this result the sign of the larger quantity.

(*c*) The tolerance to be allowed in excess or in deficiency on the dimensions of all barrels for cranberries shall be as follows:

	Tolerance, inches
Diameter of head	¼
Effective diameter of head	¼
Distance between heads	¼
Circumference of bulge, outside measurement	1⅜
Length of stave	½

If no dimension of a barrel for cranberries is in error by more than the tolerance given above, then the barrel is within the tolerance allowed.

If one or more of the dimensions of a barrel for cranberries is in error by more than the tolerance given above, then the barrel is not within the tolerance allowed.

(*d*) The tolerances to be allowed in excess or in deficiency on all subdivisions of the standard barrel for fruits, vegetables, and other dry commodities other than cranberries, and on all subdivisions of the standard barrel for cranberries, shall be the values given in the following table, and these tolerances are to be applied to the result obtained by the application of the following rule:

Having determined the errors on each dimension and given to each its proper sign (see par. 5), add the errors on the effective diameter of head and the distance between heads algebraically and

multiply the result by 1.67 (or 5/3). Then add this result to the error on the circumference of bulge algebraically. If the result obtained is not greater than the tolerance given in the following table for the proper subdivision, then the barrel is within the tolerance allowed; if the result is greater than this tolerance, then the barrel is not within the tolerance allowed.

Size of subdivision	Tolerance	
	For fruits, vegetables, and other dry commodities	For cranberries
	Inches	*Inches*
¾ barrel	1⅜ (1.375)	1¼ (1.25)
½ barrel	1¼ (1.25)	1⅛ (1.125)
⅓ barrel	1⅛ (1.125)	1 (1.00)

NOTE.—The above rules and regulations refer entirely to individual barrels, and no separate tolerance has been placed on the average content of a number of barrels taken at random from a shipment. It is not believed that barrels can be so made as to take advantage of the tolerances, and, of course, no attempt should be made to do this. It is, therefore, expected that as many barrels will be above as below the standard capacity. Investigations will be conducted during the present shipping season for the purpose of ascertaining whether this expectation is fulfilled. If it is not, then additional regulations will be issued in the future governing this matter.

39 Stat., ch. 396, p. 530.

Sec. 1 (1916). **Lime barrels; standard sizes established.**—That there is hereby established a large and a small barrel of lime, the large barrel to consist of two hundred and eighty pounds and the small barrel to consist of one hundred and eighty pounds, net weight.

Sec. 2. **Sales in interstate and foreign commerce without specified marking, unlawful.**—That it shall be unlawful for any person to sell or offer for sale lime imported in barrels from a foreign country, or to sell or offer for sale lime in barrels for shipment from any State or Territory or the District of Columbia, to any other State or Territory or the District of Columbia, unless there shall be stenciled or otherwise clearly marked on one or both heads of the small barrel the figures "180 lbs. net" and of the large barrel the figures "280 lbs. net" before the importation or shipment, and on either barrel in addition the name of the manufacturer of the lime and where manufactured, and, if imported, the name of the country from which it is imported.

Sec. 3. **Fractional parts of small barrel; marking required.**—When lime is sold in interstate or foreign commerce in containers of less capacity than the standard small barrel, it shall be sold in fractional parts of said standard small barrel, and the net weight of lime contained in such container shall by stencil or otherwise be clearly marked thereon, together with the name of the manufacturer thereof, and the name of the brand, if any, under which it is sold, and, if imported, the name of the country from which it is imported.

Sec. 4. **Regulations, etc., to be made; variations allowed.**—That rules and regulations for the enforcement of this act, not inconsistent with the provisions of the act, shall be made by the Director of the

Bureau of Standards and approved by the Secretary of Commerce, and that such rules and regulations shall include reasonable variations or tolerances which may be allowed.

Sec. 5. Interstate shipments unmarked, etc., unlawful; when less than standard; penalty.—That it shall be unlawful to pack, sell, or offer for sale for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, any barrels or other containers of lime which are not marked as provided in sections two and three of this act, or to sell, charge for, or purport to deliver from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, as a large or small barrel or a fractional part of said small barrel of lime, any less weight of lime than is established by the provisions of this act; and any person guilty of a violation of the provisions of this act shall be deemed guilty of a misdemeanor and be liable to a fine not exceeding $100.

Sec. 6. Prosecutions.—That it shall be the duty of each district attorney, to whom satisfactory evidence of any violation of this act is presented, to cause appropriate proceedings to be commenced and prosecuted in the United States court having jurisdiction of such offense: *Provided, however*, That the penal provisions of this act shall not take effect until January first, nineteen hundred and seventeen.

Circular No. 64, Bureau of Standards, Rules and Regulations for the Enforcement of the Lime-Barrel Act, Issued, Apr. 20, 1917.

In accordance with the provisions of section 4 of the act to standardize lime barrels (39 Stat., ch. 396, p. 530), approved August 23, 1916, there are hereby promulgated rules and regulations for the enforcement of this act, made by the Director of the Bureau of Standards and approved by the Secretary of Commerce.

Paragraph 1. The act, * * * entitled "An act to standardize lime barrels," shall be known and referred to as the " Standard lime-barrel act."

Par. 2. These rules and regulations are to be understood and construed to apply to lime in barrels, or other containers packed, sold, or offered for sale for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia; and to lime in containers of less capacity than the standard small barrel sold in interstate or foreign commerce; and to lime imported in barrels from a foreign country and sold or offered for sale; also to lime not in barrels or containers of less capacity than the standard small barrel, sold, charged for, or purported to be delivered as a large or small barrel or a fractional part of said small barrel of lime, from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia.

Par. 3. Lime in barrels shall be packed only in barrels containing 280 pounds or 180 pounds, net weight. For the purposes of this paragraph the word " barrel " is defined as a cylindrical or approximately cylindrical vessel, cask or drum.

Par. 4. The term " container of less capacity than the standard small barrel," as mentioned in section 3 of the law and as used in

these rules and regulations, is defined as any container not in barrel form containing therein a net weight of lime of less than 180 pounds.

The term "label" as used in these rules and regulations is defined as any printed, pictorial, or other matter upon the surface of a barrel or other container of lime subject to the provisions of this act, or upon cloth or paper or the like which is permanently affixed to it by pasting or in a similar manner.

The term "tag" is defined as a tough and strong strip of cloth or paper or the like, bearing any printed, pictorial, or other matter, which is loose at one end and which is secured to a container of lime subject to the provisions of this act.

Par. 5. (*a*) The lettering required upon barrels of lime by section 2 of the law shall be as follows: The statement of net weight shall be in boldface capital letters and figures at least 1 inch in height and not expanded or condensed; it shall be clear, legible, and permanent, and so placed with reference to the other lettering that it is conspicuous. The name of the manufacturer of the lime and where manufactured, and, if imported, the name of the country from which it is imported, shall be in boldface letters at least one-half inch in height and not expanded or condensed, and shall be clear, legible, conspicuous, and permanent. None of these letters and figures shall be superimposed upon each other, nor shall any other characters be superimposed upon the required lettering or otherwise obscure it. All the above statements shall form parts of the principal label.

(*b*) The information required upon containers of lime of less capacity than the standard small barrel by section 3 of the law shall be included in a label: *Provided, however,* That in order to allow the utilization of secondhand or returnable bags made of cloth, burlap, or the like, such information may be upon a tag firmly attached to the container in a prominent and conspicuous position. In case a tag is used to give the required information there must not be any label or another tag upon the container which bears any statement having reference to lime, or any statement of weight whatever, which is not identical with the information upon the tag mentioned above; if a container is to be utilized which bears any such inaccurate information upon a label, such container shall be turned inside out or such information shall be obliterated in so far as it is inaccurate by blotting out the letters or figures; or if such inaccurate information is upon a tag, by removing such tag.

If the required lettering is upon a label, the statement of net weight shall be in boldface capital letters and figures at least three-fourths inch in height and not expanded or condensed; it shall be clear, legible, and permanent, and so placed with reference to the other lettering that it is conspicuous. The word "net" shall form part of the statement of weight. The name of the manufacturer of the lime and the name of the brand, if any, under which it is sold, and, if imported, the name of the country from which it is imported, shall be in boldface letters at least one-half inch in height and not expanded or condensed, and shall be clear, legible, conspicuous, and permanent. None of these letters and figures shall be superimposed upon each other, nor shall any other characters be superimposed upon the required lettering or otherwise obscure it. All the above statements shall form parts of the principal label.

If the required lettering is upon a tag, the statement of net weight shall be in boldface capital letters and figures not less than one-half the height of the largest letters or figures used upon such tag: *Provided, however*, That in every case they shall be not less than one-eighth inch in height (12-point capitals), and not expanded or condensed. The word "net" shall form part of the statement of weight. The statement shall be clear, legible, and permanent, and so placed with reference to the other lettering that it is conspicuous. The name of the manufacturer of the lime, and the name of the brand, if any, under which it is sold, and, if imported, the name of the country from which it is imported, shall be in boldface letters and figures not less than one-eighth inch in height (12-point capitals), and not expanded or condensed, and shall be clear, legible, conspicuous, and permanent. None of these letters and figures shall be superimposed upon each other nor shall any other characters be superimposed upon the required lettering or otherwise obscure it. All the above statements shall be included upon the same side of the tag.

(*c*) In case the lime is actually packed in barrels or in containers of less capacity than the standard small barrel by some person other than the manufacturer of the lime, the information mentioned above must be given in the manner there described, and in addition there must be a statement to this effect: "Packed by ——— ———" (giving the name and address of the packer). This statement shall be in letters not smaller than is specified for the general statement required in the case of barrels and containers of less capacity than the standard small barrel, respectively (see (*a*) and (*b*) above); it shall not be obscured and shall form part of the principal label or be upon the same side of the tag as in those cases provided.

(*d*) In the case of all lime sold in barrels, the actual place of manufacture of the lime shall be stated on the barrel. In general, this will be the name of the post office nearest or most accessible to the plant. However, when the actual place of manufacture of the lime and the offices of the company are separated but are within the boundaries of the same county of a State, or when, though not within the boundaries of the same county they are so close together that the post-office address of the offices represents substantially and to all intents and purposes the actual place of manufacture of the lime, then the post-office address of the offices of the company will be sufficient: *Provided, however*, That the address given shall always correctly show the State in which the lime is actually manufactured.

More than one place of manufacture of a manufacturer shall not be shown on the same barrel unless the one at which the particular lime in question is manufactured is pointed out.

If the location of the home offices is stated and this is not the place of manufacture within the meaning of the above definition, an additional statement must be included to this effect: "Manufactured at ———" (giving the location of the plant).

Par. 6. (*a*) When lime is packed in barrels the tolerance to be allowed on the large barrel or the small barrel of lime shall be 5 pounds in excess or in deficiency on any individual barrel: *Provided, however*, That the average error on 10 barrels of the same nominal weight and packed by the same manufacturer shall in no case be greater than 2 pounds in excess or in deficiency. In case

all the barrels available are not weighed, those which are weighed shall be selected at random.

(*b*) When lime is packed in containers of less capacity than the standard small barrel, the tolerance to be allowed in excess or in deficiency on individual containers of various weights, shall be the values given in the column headed "Tolerance on individual package," of the following table: *Provided, however*, That the average error on 10 containers of the same nominal weight and packed by the same manufacturer shall in no case be greater than the values given in the column headed "Tolerance on average weight," of the following table. In case all the containers available are not weighed, those which are weighed shall be selected at random.

Weight of package	Tolerance on individual package	Tolerance on average weight
	Pounds	*Pounds*
Not greater than 50 pounds	1½	⅝
More than 50 pounds and not greater than 100 pounds	2	¾
More than 100 pounds and not greater than 150 pounds	3	1¼
More than 150 pounds and less than 180 pounds	4	1½

(*c*) When lime in bulk is sold, charged for, or purported to be delivered as a definite number of large or small barrels, the tolerance to be allowed in excess or in deficiency on such amounts of lime shall be 15 pounds per 1800 pounds (10 small barrels), or 25 pounds per 2800 pounds (10 large barrels).

39 Stat., ch. 426, p. 673.

Sec. 1 (1916). Climax fruit baskets, etc.; standards established; two-quart baskets; four-quart baskets; twelve-quart baskets.—That standards for Climax baskets for grapes and other fruits and vegetables shall be the two-quart basket, four-quart basket, and twelve-quart basket, respectively:

(*a*) The standard two-quart Climax basket shall be of the following dimensions: Length of bottom piece, nine and one-half inches; width of bottom piece, three and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, three and seven-eighths inches, outside measurement; top of basket, length eleven inches and width five inches, outside measurement. Basket to have a cover five by eleven inches, when a cover is used.

(*b*) The standard four-quart Climax basket shall be of the following dimensions: Length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenths inches, outside measurement; top of basket, length fourteen inches, width six and one-fourth inches, outside measurement. Basket to have cover six and one-fourth inches by fourteen inches, when cover is used.

(*c*) The standard twelve-quart Climax basket shall be of the following dimensions: Length of bottom piece, sixteen inches; width of bottom piece, six and one-half inches; thickness of bottom piece, seven-sixteenths of an inch; height of basket, seven and one-sixteenth

inches, outside measurement; top of basket, length nineteen inches, width nine inches, outside measurement. Basket to have cover nine inches by nineteen inches, when cover is used.

Sec. 2. Smaller baskets for fruits, berries, and vegetables; capacities.—That the standard basket or other container for small fruits, berries, and vegetables shall be of the following capacities, namely, dry one-half pint, dry pint, dry quart, or multiples of the dry quart.

(*a*) The dry half pint shall contain sixteen and eight-tenths cubic inches.

(*b*) The dry pint shall contain thirty-three and six-tenths cubic inches.

(*c*) The dry quart shall contain sixty-seven and two-tenths cubic inches.

Sec. 3. Interstate shipments, etc., not conforming to standards, unlawful; penalty; proviso; foreign shipments not affected.—That it shall be unlawful to manufacture for shipment, or to sell for shipment, or to ship from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, any Climax baskets or other containers for small fruits, berries, or vegetables, whether filled or unfilled, which do not conform to the provisions of this act; and any person guilty of a willful violation of any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $25: *Provided*, That nothing herein contained shall apply to the manufacture, sale, or shipment of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables when intended for export to foreign countries when such Climax baskets, baskets, or other containers for small fruits, berries, and vegetables accord with the specifications of the foreign purchasers or comply with the law of the country to which shipment is made or to be made.

Sec. 4. Tests, etc., by Department of Agriculture; rules, etc.—That the examination and test of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables, for the purpose of determining whether such baskets or other containers comply with the provisions of this act, shall be made by the Department of Agriculture, and the Secretary of Agriculture shall establish and promulgate rules and regulations allowing such reasonable tolerances and variations as may be found necessary.

Sec. 5. Prosecution of violations.—That it shall be the duty of each district attorney, to whom satisfactory evidence of any violation of the act is presented, to cause appropriate proceedings to be commenced and prosecuted in the proper court of the United States for the enforcement of the penalties as in such case herein provided.

Sec. 6. Immunity under guaranty from purchaser; contents of guaranty.—That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the manufacturer, wholesaler, jobber, or other party residing within the United States from whom such Climax baskets, baskets, or other containers, as defined in this act, were purchased, to the effect that said Climax baskets, baskets, or other containers, are correct within the meaning of this act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of Climax

baskets, baskets, or other containers to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this act.

U. S. Department of Agriculture, Circular No. 76, Rules and Regulations of the Secretary of Agriculture under the United States Standard Container Act, Promulgated, Sept. 12, 1917.

Regulation 1. Definitions.—SECTION 1. Words used in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

SEC. 2. For the purposes of these regulations, unless the context otherwise require, the following terms shall be construed, respectively, to mean—

Paragraph 1. *Standard container act.*—The act entitled "An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes," approved August 31, 1916 (39 U. S. Stat. L., p. 673).

Paragraph 2. *Containers.*—Climax baskets for grapes and other fruits and vegetables, and baskets or other containers for small fruits, berries, and vegetables.

Regulation 2. Tolerances and variations.—SECTION 1. For the purpose of ascertaining whether a container is within the tolerances and variations as to capacity allowed by these regulations it shall be tested by the use of a dry measure, of the statndard capacity applicable to such container, approved by the Bureau of Standards of the United States Department of Commerce. Such test shall be made with rape seed or other medium giving equivalent results. The capacity of the container shall be determined by stricken measure; only the actual capacity when level full shall be considered, and such portion of the contents as may be heaped above the level of the top of the sides shall be disregarded, notwithstanding any raised cover which might permit the extension upwards of the contents. In making such test both the container to be tested and the measure of standard capacity by the use of which it is to be tested shall be filled with the testing medium, in the same manner and under the same conditions, by means of a hopper of the type customarily employed for the same purpose in State and Federal laboratories.

SEC. 2. Paragraph 1: As prescribed in this section, the following tolerances and variations in the capacities of containers are found to be reasonable and necessary and are hereby allowed.

Paragraph 2: The excess or deficiency in capacity of any container, over or under the capacity prescribed for such container in the standard container act, as specified below in the column designated "Standard capacity," may be as much as, but not greater than, the amount stated in cubic inches in the same line in the column designated "Excess" or "Deficiency," as the case may be; but, among any lot of containers which are not all of the standard capacity prescribed for such containers by the standard container act, the number over shall be as nearly equal as may be practical to the number under such standard capacity, within the tolerances and variations allowed therefor in this section.

Standard capacity	Tolerances and variations	
	Excess	Deficiency
	Cubic inches	*Cubic inches*
1 bushel	50	30
½ bushel	30	18
12 quarts	23	15
1 peck	16	10
½ peck	10	6½
2 quarts	5	3¼
1 quart	3	2
1 pint	2	1½
½ pint	1	¾

Paragraph 3: In case of a container having a capacity to which a standard is applicable which is not specified in the column headed "Standard capacity" in the foregoing table, the excess or the deficiency allowed shall be that permitted for the next smaller standard capacity specified in the table, but this shall not apply to containers for which variations and tolerances shall be permitted and established under the act entitled "An act to fix the standard barrel for fruits, vegetables, and other dry commodities," approved March 4, 1915 (38 U. S. Stat. L., p. 1186), when such variations and tolerances become effective.

SEC. 3. Paragraph 1: As prescribed in this section, the following tolerances and variations in dimensions of Climax baskets for grapes and other fruits and vegetables are found to be reasonable and necessary and are hereby allowed, subject, however, to the tolerances and variations in capacity allowed in section 2 of these regulations.

Paragraph 2: The excess or deficiency in any dimension specified below in the column designated "Dimensions," over or under the measurement prescribed for such dimension in section 1 of the standard container act, may be as much as, but not greater than, the amount specified opposite such dimension in the column designated "Excess" or "Deficiency," as the case may be.

Dimensions	Tolerances and variations	
	Excess	Deficiency
	Inches	*Inches*
Length of bottom piece of 2-quart, 4-quart, or 12-quart Climax basket	⅛	⅛
Width of bottom piece of 2-quart, 4-quart, or 12-quart Climax basket	⅛	⅛
Thickness of bottom piece of 2-quart, 4-quart, or 12-quart Climax basket	1/32	1/32
Height of 2-quart, 4-quart, or 12-quart Climax basket, outside measurement	⅛	⅛
Length of cover of 2-quart, 4-quart, or 12-quart Climax basket	⅛	⅛
Width of cover of 2-quart, 4-quart, or 12-quart Climax basket	⅛	⅛
Combined length and width of top of 2-quart Climax basket, outside measurement	½	¼
Combined length and width of top of 4-quart Climax basket, outside measurement	⅝	⅜
Combined length and width of top of 12-quart Climax basket outside measurement	¾	½

39 Stat., ch. 313, p. 446.

Sec. 1 (1916). Title declared.—That this act shall be known by the short title of "United States warehouse act." [12]

[12] Regulations have been issued by the Secretary of Agriculture under the authority of this act.

Sec. 2, as amended by act of February 23, 1923. Terms construed; warehouse; person; warehouseman; receipt.—That the term "warehouse" as used in this act shall be deemed to mean every building, structure, or other protected inclosure in which any agricultural product is or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which any agricultural product is or may be stored. As used in this act, "person" includes a corporation or partnership or two or more persons having a joint or common interest; "warehouseman" means a person lawfully engaged in the business of storing agricultural products; and "receipt" means a warehouse receipt.

Sec. 3. Investigation, etc., of warehouses.—That the Secretary of Agriculture is authorized to investigate the storage, warehousing, classifying according to grade and otherwise, weighing, and certification of agricultural products; * * *.

Sec. 11, as amended by act of February 23, 1923. Licenses to inspectors, samplers, classifiers, and weighers of products; conditions.—That the Secretary of Agriculture may upon presentation of satisfactory proof of competency, issue to any person a license to inspect, sample or classify any agricultural product or products, stored or to be stored in a warehouse licensed under this act, according to condition, grade or otherwise, and to certificate the condition, grade or other class thereof, or to weigh the same and certificate the weight thereof, or both to inspect, sample or classify and weigh the same and to certificate the condition, grade or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this act and of the rules and regulations prescribed hereunder so far as the same relate to him.

Sec. 12, as amended by act of February 23, 1923. Suspension or revocation of licenses.—That any license issued to any person to inspect, sample or classify or to weigh any agricultural product or products under this act may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to inspect, sample, or classify or to weigh any agricultural product or products correctly, or has violated any of the provisions of this act or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatever. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

Sec. 18, as amended by act of July 24, 1919. Contents of receipt.—That every receipt issued for agricultural products stored in a warehouse licensed under this act shall embody within its written or printed terms * * * (*f*) a description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification and the weight of such bales or packages; * * *.

Sec. 29, as amended by act of February 23, 1923. State laws not impaired; cooperation with State authorities; operation of present laws.—That nothing in this act shall be construed to conflict with, or to authorize any conflict with, or in any way to impair or limit the

effect or operation of the laws of any State relating to warehouses, warehousemen, weighers, graders, inspectors, samplers or classifiers; but the Secretary of Agriculture is authorized to cooperate with such officials as are charged with the enforcement of such State laws in such States and through such cooperation to secure the enforcement of the provisions of this act; nor shall this act be construed so as to limit the operation of any statute of the United States relating to warehouses or warehousemen, weighers, graders, inspectors, samplers, or classifiers now in force in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States.

39 Stat., ch. 415, p. 538.

Sec. 1 (1916). Bills of lading; issued in interstate and foreign commerce governed thereby.—That bills of lading issued by any common carrier for the transportation of goods in any Territory of the United States, or the District of Columbia, or from a place in a State to a place in a foreign country, or from a place in one State to a place in another State, or from a place in one State to a place in the same State through another State or foreign country, shall be governed by this act.

Sec. 20. Responsibility for goods; when loaded by carrier.—That when goods are loaded by a carrier such carrier shall count the packages of goods, if package freight, and ascertain the kind and quantity if bulk freight, and such carrier shall not, in such cases, insert in the bill of lading or in any notice, receipt, contract, rule, regulation, or tariff, "Shipper's weight, load, and count," or other words of like purport, indicating that the goods were loaded by the shipper and the description of them made by him or in case of bulk freight and freight not concealed by packages the description made by him. If so inserted, contrary to the provisions of this section, said words shall be treated as null and void and as if not inserted therein.

Sec. 21. Loaded by shipper in packages or bulk; effect of shipper's weight, load, and count; proviso; responsibility when shipper affords weighing facilities.—That when package freight or bulk freight is loaded by a shipper and the goods are described in a bill of lading merely by a statement of marks or labels upon them or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind or quantity, or in a certain condition, or it is stated in the bill of lading that packages are said to contain goods of a certain kind or quantity or in a certain condition, or that the contents or condition of the contents of packages are unknown, or words of like purport are contained in the bill of lading, such statements, if true, shall not make liable the carrier issuing the bill of lading, although the goods are not of the kind or quantity or in the condition which the marks or labels upon them indicate, or of the kind or quantity or in the condition they were said to be by the consignor. The carrier may also by inserting in the bill of lading the words "Shipper's weight, load, and count," or other words of like purport indicate that the goods were loaded by the shipper and the description of them made by him; and if such statement be true, the carrier shall not be liable for damages caused by the improper loading or by the nonreceipt or by the misdescription of the goods described in the bill of lading: *Provided, however*, Where the ship-

per of bulk freight installs and maintains adequate facilities for weighing such freight, and the same are available to the carrier, then the carrier, upon written request of such shipper and when given a reasonable opportunity so to do, shall ascertain the kind and quantity of bulk freight within a reasonable time after such written request, and the carriers shall not in such cases insert in the bill of lading the words "Shipper's weight," or other words of like purport, and if so inserted contrary to the provisions of this section, said words shall be treated as null and void and as if not inserted therein.

42 Stat., ch. 64, p. 159.

Sec. 1 (1921). Title of act.—This act may be cited as the "packers and stockyards act, 1921."

Sec. 2. Terms defined.—(*a*) When used in this act—(2) The term "Secretary" means the Secretary of Agriculture.

* * * * * * *

Sec. 301. Terms construed; "stockyard services."—When used in this act—(*b*) The term "stockyard services" means services or facilities furnished at a stockyard in connection with the * * * weighing * * * of livestock;

* * * * * * *

Sec. 302. "Stockyard"; public character, etc., specified; smaller areas not included.—(*a*) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

* * * * * * *

Sec. 304. Facilities to be furnished.—It shall be the duty of every stockyard owner and market agency to furnish upon reasonable request, without discrimination, reasonable stockyard services at such stockyard.

Sec. 307. Regulations and practices affecting stockyard services.—It shall be the duty of every stockyard owner and market agency to establish, observe, and enforce just, reasonable, and nondiscriminatory regulations and practices in respect to the furnishing of stockyard services, and every unjust, unreasonable, or discriminatory regulation or practice is prohibited and declared to be unlawful.

Sec. 308. Penalty.—(*a*) If any stockyard owner, market agency, or dealer violates any of the provisions of sections 304 * * * or 307, or of any order of the Secretary made under this title, he shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of such violation.

* * * * * * *

Sec. 310. Orders affecting stockyard services.—Whenever * * * after full hearing under an order for investigation and hearing made by the Secretary on his own initiative, * * * the Secretary is of the opinion that any rate, charge, regulation, or practice

of a stockyard owner or market agency, for or in connection with the furnishing of stockyard services, is or will be unjust, unreasonable, or discriminatory, the Secretary—

(*a*) May determine and prescribe * * * what regulation or practice is or will be just, reasonable, and nondiscriminatory to be thereafter followed; and

(*b*) May make an order that such owner or operator * * * shall conform to and shall observe the regulation or practice so prescribed.

Sec. 311. Livestock not in commerce; practices prescribed by Secretary.—Whenever in any investigation under the provisions of this title, or in any investigation instituted by petition of the stockyard owner or market agency concerned, which petition is hereby authorized to be filed, the Secretary after full hearing finds that any rate, charge, regulation, or practice of any stockyard owner or market agency, for or in connection with the * * * weighing, * * * not in commerce, of livestock, causes any undue or unreasonable advantage, prejudice, or preference as between persons or localities in intrastate commerce in livestock on the one hand and interstate or foreign commerce in livestock on the other hand, or any undue, unjust, or unreasonable discrimination against interstate or foreign commerce in livestock, which is hereby forbidden and declared to be unlawful, the Secretary shall prescribe the rate, charge, regulation, or practice thereafter to be observed, in such manner as, in his judgment, will remove such advantage, preference, or discrimination. Such rates, charges, regulations, or practices shall be observed while in effect by the stockyard owners or market agencies parties to such proceeding affected thereby, the law of any State or the decision or order of any State authority to the contrary notwithstanding.

Sec. 312. Unfair, etc., practices unlawful; orders to cease from violations.—(*a*) It shall be unlawful for any stockyard owner, market agency, or dealer to engage in or use any unfair, unjustly discriminatory, or deceptive practice or device in connection with the * * * weighing * * * in commerce at a stockyard, of livestock.

(*b*) Whenever complaint is made to the Secretary by any person, or whenever the Secretary has reason to believe, that any stockyard owner, market agency, or dealer is violating the provisions of subdivision (*a*), the Secretary after notice and full hearing may make an order that he shall cease and desist from continuing such violation to the extent that the Secretary finds that it does or will exist.

Sec. 314. Penalty for failing to obey order; prosecution by district attorneys.—(*a*) Any stockyard owner, market agency, or dealer who knowingly fails to obey any order made under the provisions of sections 310, 311, or 312 shall forfeit to the United States the sum of $500 for each offense. Each distinct violation shall be a separate offense, and in case of a continuing violation each day shall be deemed a separate offense. Such forfeiture shall be recoverable in a civil suit in the name of the United States.

(*b*) It shall be the duty of the various district attorneys, under the direction of the Attorney General, to prosecute for the recovery of forfeitures. The costs and expense of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

Sec. 407. Rules, etc., to be prescribed.—The Secretary may make such rules, regulations, and orders as may be necessary to carry out the provisions of this act and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency or political subdivision thereof, or any person; * * *.

27 Stat., ch. 221, p. 746.

Sec. 1 (1893). Standard gauge for sheet and plate iron and steel; sheet-metal gauge, this gauge to be used to levy duties.—For the purpose of securing uniformity the following is established as the only standard gauge for sheet and plate iron and steel in the United States of America, namely:

Number of gauge	Approximate thickness in fractions of an inch	Approximate thickness in decimal parts of an inch	Approximate thickness in millimeters	Weight per square foot in ounces avoirdupois	Weight per square foot in pounds avoirdupois	Weight per square foot in kilograms	Weight per square meter in kilograms	Weight per square meter in pounds avoirdupois
0000000	1-2	0.5	12.7	320	20.00	9.072	97.65	215.28
000000	15-32	.46875	11.90625	300	18.75	8.505	91.55	201.82
00000	7-16	.4375	11.1125	280	17.50	7.983	85.44	188.37
0000	13-32	.40625	10.31875	260	16.25	7.371	79.33	174.91
000	3-8	.375	9.525	240	15	6.804	73.24	161.46
00	11-32	.34375	8.73125	220	13.75	6.237	67.13	148.00
0	5-16	.3125	7.9375	200	12.50	5.67	61.03	134.55
1	9-32	.28125	7.14375	180	11.25	5.103	54.93	121.09
2	17-64	.265625	6.746875	170	10.625	4.819	51.88	114.37
3	1-4	.25	6.35	160	10	4.536	48.82	107.64
4	15-64	.234375	5.953125	150	9.375	4.252	45.77	100.91
5	7-32	.21875	5.55625	140	8.75	3.969	42.72	94.18
6	13-64	.203125	5.159375	130	8.125	3.685	39.67	87.45
7	3-16	.1875	4.7625	120	7.5	3.402	36.62	80.72
8	11-64	.171875	4.365625	110	6.875	3.118	33.57	74.00
9	5-32	.15625	3.96875	100	6.25	2.835	30.52	67.27
10	9-64	.140625	3.571875	90	5.625	2.552	27.46	60.55
11	1-8	.125	3.175	80	5	2.268	24.41	53.82
12	7-64	.109375	2.778125	70	4.375	1.984	21.36	47.09
13	3-32	.09375	2.38125	60	3.75	1.701	18.31	40.36
14	5-64	.078125	1.984375	50	3.125	1.417	15.26	33.64
15	9-128	.0703125	1.7859375	45	2.8125	1.276	13.73	30.27
16	1-16	.0625	1.5875	40	2.5	1.134	12.21	26.91
17	9-160	.05625	1.42875	36	2.25	1.021	10.99	24.22
18	1-20	.05	1.27	32	2	.9072	9.765	21.53
19	7-160	.04375	1.11125	28	1.75	.7938	8.544	18.84
20	3-80	.0375	.9525	24	1.50	.6804	7.324	16.15
21	11-320	.034375	.873125	22	1.375	.6237	6.713	14.80
22	1-32	.03125	.793750	20	1.25	.567	6.103	13.46
23	9-320	.028125	.714375	18	1.125	.5103	5.493	12.11
24	1-40	.025	.635	16	1	.4536	4.882	10.76
25	7-320	.021875	.555625	14	.875	.3969	4.272	9.42
26	3-160	.01875	.47625	12	.75	.3402	3.662	8.07
27	11-640	.0171875	.4365625	11	.6875	.3119	3.357	7.40
28	1-64	.015625	.396875	10	.625	.2835	3.052	6.73
29	9-640	.0140625	.3571875	9	.5625	.2551	2.746	6.05
30	1-80	.0125	.3175	8	.5	.2268	2.441	5.38
31	7-640	.0109375	.2778125	7	.4375	.1984	2.136	4.71
32	13-1280	.01015625	.25796875	6½	.40625	.1843	1.983	4.37
33	3-320	.009375	.238125	6	.375	.1701	1.831	4.04
34	11-1280	.00859375	.21828125	5½	.34375	.1559	1.678	3.70
35	5-640	.0078125	.1984375	5	.3125	.1417	1.526	3.36
36	9-1280	.00703125	.17859375	4½	.28125	.1276	1.373	3.03
37	17-2560	.006640625	.168671875	4¼	.265625	.1205	1.297	2.87
38	1-160	.00625	.15875	4	.25	.1134	1.221	2.69

And on and after July first, eighteen hundred and ninety-three, the same and no other shall be used in determining duties and taxes levied by the United States of America on sheet and plate iron and steel. But this act shall not be construed to increase duties upon any articles which may be imported.

Sec. 2. Preparation of gauge standards.—The Secretary of the Treasury is authorized and required to prepare suitable standards in accordance herewith.

Sec. 3. Variations allowed in use.—In the practical use and application of the standard gauge hereby established a variation of two and one-half per cent either way may be allowed.

R. S., 2951 (1861).

Ton defined; hundredweight defined.—Wherever the word "ton" is used in this chapter,[13] in reference to weight, it shall be construed as meaning twenty-hundred-weight, each hundredweight being one hundred and twelve pounds avoirdupois.

R. S., 3711, as amended Mar. 2, 1895, and Mar. 15, 1898.

Weighing and measuring of coal and wood required; standard ton of coal; standard cords of wood.—It shall not be lawful for any officer or person in the civil, military, or naval service of the United States in the District of Columbia to purchase anthracite or bituminous coal or wood for the public service except on condition that the same shall, before delivery, be inspected and weighed or measured by some competent person, to be appointed by the head of the department or chief of the branch of the service for which the purchase is made from among the persons authorized to be employed in such department or branch of the service. The person appointed under this section shall ascertain that each ton of coal weighed by him shall consist of two thousand two hundred and forty pounds, and that each cord of wood to be so measured shall be of the standard measure of one hundred and twenty-eight cubic feet. Each load or parcel of wood or coal weighed and measured by him shall be accompanied by his certificate of the number of tons or pounds of coal and the number of cords or parts of cords of wood in each load or parcel.

R. S., 3547 (1873).

Appointment and meeting of assay commission.—To secure a due conformity in the gold and silver coins to their respective standards of fineness and weight, the judge of the District Court for the Eastern District of Pennsylvania, the Comptroller of the Currency the assayer of the assay office at New York, and such other persons as the President shall from time to time designate, shall meet as assay commissioners at the mint in Philadelphia to examine and test, in the presence of the Director of the Mint, the fineness and weight of the coins reserved by the several mints for this purpose, on the second Wednesday in February annually, and may continue their meetings by adjournment if necessary. If a majority of the commissioners fail to attend at any time appointed for their meeting, the Director of the Mint shall call a meeting of the commissioners at such other time as he may deem convenient. If it appears

[13] The chapter in which the section occurs refers to the collection of duties upon imports.

by such examination and test that these coins do not differ from the standard fineness and weight by a greater quantity than is allowed by law, the trial shall be considered and reported as satisfactory. If, however, any greater deviation from the legal standard or weight appears, this fact shall be certified to the President; and if, on a view of the circumstances of the case, he shall so decide, the officers implicated in the error shall be thenceforward disqualified from holding their respective offices.

R. S., 3548, as amended Mar. 4, 1911.

Standard weight of the mint; troy pound.—For the purpose of securing a due conformity in weight of the coins of the United States to the provisions of the laws relating to coinage, the standard troy pound of the Bureau of Standards of the United States shall be the standard troy pound of the mint of the United States, conformably to which the coinage thereof shall be regulated.

R. S., 3549, as amended Mar. 4, 1911.

Standard weight for mints and assay offices; annual testing.—It shall be the duty of the Director of the Mint to procure for each mint and assay office, to be kept safely thereat, a series of standard weights corresponding to the standard troy pound of the Bureau of Standards of the United States, consisting of a one-pound weight and the requisite subdivisions and multiples thereof, from the hundredths part of a grain to twenty-five pounds. The troy weight ordinarily employed in the transactions of such mints and assay offices shall be regulated according to the above standards at least once in every year, under the inspection of the superintendent and assayer; and the accuracy of those used at the mint at Philadelphia shall be tested annually, in the presence of the assay commissioners, at the time of the annual examination and test of coins.

R. S., 3511 (1873).

Standard weights of gold coins.—The gold coins of the United States shall be a one-dollar piece,[14] which, at the standard weight of twenty-five and eight-tenths grains, shall be the unit of value; a quarter-eagle, or two and a half dollar piece; a three-dollar piece; a half eagle, or five-dollar piece; an eagle, or ten-dollar piece; and a double-eagle, or twenty-dollar piece. And the standard weight of the gold dollar shall be twenty-five and eight-tenths grains; of the quarter-eagle, or two and a half dollar piece, sixty-four and a half grains; of the three-dollar piece, seventy-seven and four-tenths grains; of the half-eagle or five-dollar piece, one hundred and twenty-nine grains; of the eagle, or ten-dollar piece, two hundred and fifty-eight grains; of the double-eagle, or twenty-dollar piece, five hundred and sixteen grains.

20 Stat., ch. 20, p. 25.

Sec. 1 (1878). Weight of standard silver dollar.—That there shall be coined at the several mints of the United States, silver dollars of the weight of four hundred and twelve and a half grains troy of standard silver, as provided in the act of January eighteenth, eighteen hundred and thirty-seven, * * *.

[14] The coinage of a dollar gold piece was discontinued pursuant to the act of Sept. 26, 1890; other gold coins contain 25.8 grains per dollar.

R. S., 3513 (a1876).

Standard weights of subsidiary silver coins.—The silver coins of the United States shall be a trade-dollar,[15] a half-dollar, or fifty-cent piece, a quarter-dollar, or twenty-five cent piece, a dime, or ten-cent piece; and the weight of the trade-dollar[15] shall be four hundred and twenty grains troy; the weight of the half-dollar shall be twelve grams and one-half of a gram; the quarter-dollar and the dime shall be, respectively, one-half and one-fifth of the weight of said half-dollar.

R. S., 3515 (1873).

Standard weight of minor coins.—* * * The weight of the piece of five cents shall be seventy-seven and sixteen-hundredths grains troy; of the three-cent piece,[16] thirty grains; and of the one-cent piece, forty-eight grains.

R. S., 3535 (1873).

Deviations from standard weight allowed; gold coins.—In adjusting the weights of the gold coins, the following deviations shall not be exceeded in any single piece: In the double-eagle and the eagle, one half of a grain; in the half-eagle, the three-dollar piece, the quarter eagle, and the one-dollar piece, one-fourth of a grain. And in weighing a number of pieces together, when delivered by the coiner to the superintendent, and by the superintendent to the depositor, the deviation from the standard weight shall not exceed one hundredth of an ounce in five thousand dollars, in double-eagles, eagles, half-eagles, or quarter-eagles, in one thousand three-dollar pieces, and in one thousand one-dollar pieces.

R. S., 3536, as amended Mar. 4, 1911.

Silver coins.—In adjusting the weight of the silver coins the following deviations shall not be exceeded in any single piece: In the dollar, the half and quarter dollar, and in the dime, one and one-half grains.

R. S., 3537 (1873).

Minor coins, variation in weight.—In adjusting the weight of the minor coins provided by this Title, there shall be no greater deviation allowed than three grains for the five-cent piece and two grains for the three and one-cent pieces.

R. S., 3505 (1873).

Tolerated loss of weight by abrasion.—Any gold coins of the United States, if reduced in weight by natural abrasion not more than one-half of one per centum below the standard weight prescribed by law, after a circulation of twenty years, as shown by the date of coinage, and at a ratable proportion for any period less than twenty years, shall be received at their nominal value by the United States Treasury and its offices, under such regulations as the Secretary of the Treasury may prescribe for the protection of the Government against fraudulent abrasion or other practices.

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[15] The laws authorizing the coinage and issue of the trade-dollar were repealed by the act of Mar. 3, 1887, ch. 396. Its legal-tender quality had been abolished by the resolution of July 22, 1876.

[16] Coinage discontinued by act of Sept. 26, 1890, ch. 945.

R. S., 5460 (1873).

Penalty for altering weights at mints or assay offices.—* * * If any of the weights used at any of the mints or assay offices of the United States shall be defaced, increased, or diminished through the fault or connivance of any of the said officers or persons who are employed at the said mints or assay offices, with a fraudulent intent; * * * every such officer or person who commits any or either of the said offenses shall be imprisoned at hard labor for a term not less than one year nor more than ten years, and shall be fined in a sum not more than ten thousand dollars.

R. S., 2627 (1799).

Semiyearly comparison of weights and measures used in customhouses.—* * * It shall be the duty of the surveyor * * * First. To superintend and direct all inspectors, weighers, measurers, and gaugers within his port. * * * Eighth. To examine, and, from time to time, and particularly on the first Mondays of January and July in each year, try the weights, measures, and other instruments used in ascertaining the duties on imports, with standards to be provided by each collector at the public expense for that purpose; and where disagreements or errors are discovered, to report the same to the collector; and to obey and execute such directions as he may receive for correcting the same, agreeably to the standards.

R. S., 2920 (1846).

Determination of weight or quantity of imports.—In all cases in which the invoice or entry does not contain the weight, or quantity, or measure of merchandise, now weighed, or measured, or gauged, the same shall be weighed, gauged, or measured at the expense of the owner, agent, or consignee.

R. S., 2837 (1864).

Foreign weights and measures to be used in customs invoices; original units in invoice.—All invoices shall be made out in the weights or measures of the country or place from which the importation is made, and shall contain a true statement of the actual weights or measures of such merchandise, without any respect to the weights or measures of the United States.

R. S., 2915 (1870).

Weights to appear on casks of sugar.—The Secretary of the Treasury shall, by regulation, prescribe, and require that samples from packages of sugar shall be taken by the proper officers, in such manner as to ascertain the true quality of such sugar; and the weights of sugar imported in casks or boxes shall be marked distinctly by the customhouse weigher, by scoring the figures indelibly on each package.

28 Stat., ch. 166, p. 150 (1894).

Terms of weights, measures, and money in commercial reports.—Preparation, printing, publication, and distribution by the Department of State of the diplomatic, consular, and other commercial reports, * * * That all terms of measure, weight, and money shall be reduced to and expressed in terms of measure, weight, and coin of the United States, as well as in the foreign terms; * * *

R. S., 3249 (a1872).

Standard of proof spirits; prevention of frauds.—Proof spirit shall be held to be that alcoholic liquor which contains one-half its volume of alcohol of a specific gravity of seven thousand nine hundred and thirty-nine ten-thousands (.7939) at sixty degrees Fahrenheit. * * *

R. S., 3250 (1868).

Standard gallon to be used in sales.—In all sales of spirits a gallon shall be held to be a gallon of proof spirit, according to the standard prescribed in the preceding section, set forth and declared for the inspection and gauging of spirits throughout the United States.

20 Stat., ch. 125, p. 351.

Sec. 21 (1879). Standard gallon for use in internal revenue.—That the word "gallon" wherever used in the internal-revenue law relating to beer, lager beer, ale, porter, and other similar fermented liquors shall be held and taken to mean a wine gallon, the liquid measure containing two hundred and thirty-one cubic inches.

R. S., 3308 (a1872).

Authorized barrel of proof spirits.—Every distiller shall make a return of the number of barrels of spirits distilled by him, counting forty gallons of proof spirits to the barrel, whenever such return is demanded by the collector of the district.

R. S., 3339 (a1876).

Standard barrel of fermented liquors.—* * * a tax of one dollar for every barrel containing not more than thirty-one gallons; * * * more than one barrel, and not more than sixty-three gallons, shall be accounted two barrels, or a hogshead. * * *

R. S., 2919 (1866).

Legal weight of bushel for certain products.—For the purpose of estimating the duties on importations of grain the number of bushels shall be ascertained by weight, instead of by measuring; and sixty pounds of wheat, fifty-six pounds of corn, fifty-six pounds of rye, forty-eight pounds of barley, thirty-two pounds of oats, sixty pounds of pease, and forty-two pounds of buckwheat[17] avoirdupois weight shall respectively be estimated as a bushel.

Tariff Act of 1922, 42 Stat., ch. 356, p. 858.

Section 1, Schedule 7. Barley; corn or maize; oats; rye; wheat; apples; standard proof for vinegar; pineapples; flaxseed; line measure.—Par. 722. Barley, hulled or unhulled, 20 cents per bushel of forty-eight pounds; * * *

Par. 724. Corn or maize, including cracked corn, 15 cents per bushel of fifty-six pounds; * * *

Par. 726. Oats, hulled or unhulled, 15 cents per bushel of thirty-two pounds; * * *

Par. 728. Rye, 15 cents per bushel of fifty-six pounds; * * *

Par. 729. Wheat, 30 cents per bushel of sixty pounds; * * *

Par. 734. Apples, green or ripe, 25 cents per bushel of 50 pounds; * * *

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[17] So much of this section as relates to buckwheat, namely, "forty-two pounds of buckwheat," was repealed by the McKinley Tariff Act of 1890.

Par. 738. Cider, 5 cents per gallon; vinegar, 6 cents per proof gallon: *Provided*, That the standard proof for vinegar shall be 4 per centum by weight of acetic acid.

Par. 746. Pineapples, 22½ cents per crate of one and ninety-six one hundredths cubic feet; * * *

Par. 760. Oil-bearing seeds and materials: * * * flaxseed, 40 cents per bushel of fifty-six pounds; * * *

Par. 1410. * * * *Provided*, That the term "line" as used in this paragraph shall mean the line button measure of one-fortieth of one inch.

Sec. 481. Contents of invoice.—(*a*) That all invoices of merchandise to be imported into the United States shall set forth— * * *

(4) The quantities in the weights and measures of the country or place from which the merchandise is shipped, or in the weights and measures of the United States; * * *

R. S., 2395 (a1877).

Measurement of public lands; size of township established; size of legal section of land; authorized units for land measurements.—The public lands shall be divided by north and south lines run according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square,[18] unless where the line of an Indian reservation, or of tracts of land heretofore surveyed or patented, or the course of navigable rivers, may render this impracticable; and in that case this rule must be departed from no further than such particular circumstances require. * * * the township shall be subdivided into sections, containing, as nearly as may be, six hundred and forty acres each, by running through the same, each way, parallel lines at the end of every two miles; and by making a corner on each of such lines, at the end of every mile. * * * * * * All lines shall be plainly marked upon trees, and measured with chains, containing two perches of sixteen and one-half feet each, subdivided into twenty-five equal links; and the chain shall be adjusted to a standard to be kept for that purpose.

R. S., 3306 (1868).

Using false weights (or measures) in ascertaining materials; penalty.—Every person who knowingly uses any false weights or measures in ascertaining, weighing, or measuring the quantities of grain, meal, or vegetable materials, molasses, beer, or other substances to be used for distillation, shall be fined not less than five hundred dolllars nor more than five thousand dollars, and imprisoned not less than one year nor more than three years. * * *

R. S., 3880 (a1872).

Metric postal balances for post offices.—The Postmaster General shall furnish to the post offices exchanging mails with foreign countries, and to such other offices as he may deem expedient, postal balances denominated in grams of the metric system, fifteen[19] grams of which shall be the equivalent for postal purposes, of one-half ounce avoirdupois, and so on in progression.

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[18] The instructions of the surveyor general allow for the convergency of meridians.

[19] Attention is called to the fact that the avoirdupois ounce is the present unit of weight for letters mailed in the United States, addressed for delivery in foreign countries.

R. S., 4153 (a1909).

Net or register tonnage defined.—The register tonnage of every vessel built within the United States or owned by a citizen or citizens thereof shall be her entire internal cubical capacity in tons of one hundred cubic feet each, to be ascertained as follows: * * *

And the proper deduction from the gross tonnage having been made, the remainder shall be deemed the net or register tonnage of such vessels. * * *

R. S., 4571 (1872).

Weights and measures to be kept by merchant shipmasters.—Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles, in the presence of a witness, whenever any dispute arises about such quantities, and in default shall, for every offense, be liable to a penalty of not more than fifty dollars.

40 Stat., ch. 24, p. 450, as amended August 20, 1919.

Sec. 1. Standard time for territorial zones; definition of zone limits.—That for the purpose of establishing the standard time of the United States, the territory of continental United States shall be divided into five zones in the manner hereinafter provided. The standard time of the first zone shall be based on the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich; that of the second zone on the ninetieth degree; that of the third zone on the one hundred and fifth degree; that of the fourth zone on the one hundred and twentieth degree; and that of the fifth zone, which shall include only Alaska, on the one hundred and fiftieth degree. That the limits of each zone shall be defined by an order of the Interstate Commerce Commission, having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in commerce between the several States and with foreign nations, and such order may be modified from time to time.

Sec. 2. Standard to govern movements of common carriers; official acts to be regulated thereby.—That within the respective zones created under the authority hereof the standard time of the zone shall govern the movement of all common carriers engaged in commerce between the several States or between a State and any of the Territories of the United States, or between a State or the Territory of Alaska and any of the insular possessions of the United States or any foreign country. In all statutes, orders, rules, and regulations relating to the time of performance of any act by any officer or department of the United States, whether in the legislative, executive, or judicial branches of the Government, or relating to the time within which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the United States, it shall be understood and intended that the time shall be the United States standard time of the zone within which the act is to be performed.

Sec. 4. Standards designated.—That the standard of time of the first zone shall be known and designated as United States standard eastern

time; that of the second zone shall be known and designated as United States standard central time; that of the third zone shall be known and designated as United States standard mountain time; that of the fourth zone shall be known and designated as United States standard Pacific time; and that of the fifth zone shall be known and designated as United States standard Alaska time.

40 Stat., ch. 96, p. 1291, as amended by Act approved April 16, 1926.

Sec. 1. Screw-thread standardization; commission created; composition.—That an act entitled "An act to provide for the appointment of a commission to standardize screw threads," approved July 18, 1918, as amended by an act approved March 3, 1919, and extended by public resolutions approved March 23, 1920, and March 21, 1922, be, and the same is hereby, amended so that it will read:

"That a commission is hereby created, to be known as the Commission for the Standardization of Screw Threads, hereinafter referred to as the commission, which shall be composed of nine commissioners, one of whom shall be the Director of the Bureau of Standards, who shall be chairman of the commission; two representatives of the Army, to be appointed by the Secretary of War; two representatives of the Navy, to be appointed by the Secretary of the Navy; and four to be appointed by the Secretary of Commerce, two of whom shall be chosen from nominations made by the American Society of Mechanical Engineers and two from nominations made by the Society of Automotive Engineers.

"**Sec. 2. Adoption of standard; use required for Army and Navy plants, etc.**—That it shall be the duty of said commission to ascertain and establish standards for screw threads, which shall be submitted to the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce for their acceptance and approval. Such standards, when thus accepted and approved, shall be adopted and used in the several manufacturing plants under the control of the War and Navy Departments, and, so far as practicable, in all specifications for screw threads in proposals for manufactured articles, parts, or materials to be used under the direction of these departments.

"**Sec. 3. Publication officially.**—That the Secretary of Commerce shall promulgate such standards for use by the public and cause the same to be published as a public document.

"**Sec. 4. Service without pay.**—That the commission shall serve without compensation, but nothing herein shall be held to affect the pay of the commissioners appointed from the Army and Navy or of the Director of the Bureau of Standards.

"**Sec. 5. Procedure.**—That the commission may adopt rules and regulations in regard to its procedure and the conduct of its business."

LAWS OF THE STATES, TERRITORIES, AND POSSESSIONS OF THE UNITED STATES RELATING TO WEIGHTS AND MEASURES

ALABAMA

Const., 1901; Crim. Code, 1907, p. 72.

Sec. 77. No State inspection officer.—No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture, or commodity, but any county or municipality may appoint such officers when authorized by law.

Agricultural Code, 1923, (Acts 1923, Act No. 376, p. 399), Art. 22, p. 58.

Sec. 1. Standards to be those established by Congress; penalty for use of other standards.—There is but one standard of measure of length and surface, one of weight, and one of capacity, throughout this State, which must be in conformity with the standard of measure of length, surface, weight, and capacity established by Congress. Any firm, association, corporation or person, selling, offering or exposing for sale any commodity by weight or measure which does not correspond with such standard or measure is guilty of a misdemeanor and on conviction shall be fined not less than one nor more than fifty dollars.

Sec. 2. Contracts, how construed.—All contracts, made within this State for any work to be done, or for anything to be sold and delivered, must be construed to have been made according to the standard of weight and measure thus ascertained, unless the parties stipulate to the contrary.

Sec. 3. County standards, replacement when destroyed.—If the weights and measures of any county, consisting of one weight of fifty pounds, one of twenty-five pounds, one of fourteen pounds, one of seven pounds, two of four pounds, two of two pounds, and two of one pound, avoirdupois; one measure of one yard, and one of one foot, cloth measure; one measure of half a bushel, one of one peck, and one of one-half peck, dry measure; one measure of one gallon, one of a half gallon, one of a quart, one of one pint, one of one-half pint, and one of one gill, wine measure, in conformity with such standard, are destroyed, without the fault of any official who by law had charge of the same, the commissioner of agriculture and industries shall, upon the requisition of the probate judge and upon satisfactory evidence that the weights and measures will be kept in a safe and suitable place, furnish weights and measures to such county.

Sec. 4. Weights per bushel and per barrel of commodities.—The legal weights per bushel of the commodities herein named shall be as follows:[1]

Alfalfa seed	pounds per bushel	60	
Apples, green	do	50	
Apples, green	bushels per barrel	[2] 2½	
Apples, dried	pounds per bushel	24	
Apple seed	do	40	
Blue-grass seed	do	14	
Beans, dried	do	60	
Beans, green, in pod	do	30	
Beans, green, in pod	bushels per barrel	2½	
Beans, castor	pounds per bushel	46	
Beans, velvet, shelled	do	60	
Beets	do	50	
Blackberries	do	48	
Blackberries, dried	do	28	
Black medic, cleaned	do	56	
Bran	do	20	

[1] A slight change has been made in the arrangement for convenience of reference.
[2] See footnote, p. 20, relative to the Federal standard barrel.

Broomcorn	pounds per bushel	42
Bur clover	do	10
Buckwheat	do	50
Barley	do	48
Carrots	do	50
Cabbage	do	50
Carpet grass seed	do	25
Cherries, with stems	do	56
Cherries, without stems	do	64
Corn, shelled	do	56
Corn, in ear, shucked	do	70
Corn, in ear, with shucks	do	75
Corn, green, with shucks	do	100
Corn, green, with shucks	bushels per barrel	2½
Cornmeal, unbolted	pounds per bushel	48
Cornmeal, bolted	do	48
Cucumbers	do	48
Chestnuts	do	50
Cement	do	80
Coke	do	40
Charcoal	do	22
Coal, stone	do	80
Canary seed	do	60
Clover seed, red and white	do	60
Cottonseed	do	32
Crimson clover	do	60
Eggs, extras	ounces per dozen net, over	26
Eggs, No. 1	ounces per dozen, net	24 to 26
Eggs, No 2	do	20 to 24
Eggs, No. 3	ounces per dozen net, less than	20
Flaxseed (linseed)	pounds per bushel	56
Flour, shall be (in wood)	pounds per barrel	196
Gooseberries	pounds per bushel	48
Grapes, with stems	do	48
Grapes, without stems	do	60
Horse-radish	do	50
Hickory nuts	do	50
Hair, plastering	do	8
Hominy	do	62
Hungarian grass seed	do	48
Herds grass	do	45
Hempseed	do	44
Kaffir corn	do	56
Japan clover (Lespedeza)	do	25
Johnson grass seed	do	25
Land plaster	do	100
Lime, unslacked	do	80
Lime, slacked	do	40
Liquids	gallons per barrel	42
Millet seed (German, Missouri, Tennessee)	pounds per bushel	50
Melilotus seed (cleaned)	do	60
Orchard grass seed	do	14
Osage orange seed	do	33
Oats, seed	do	32
Onions, matured	do	57
Onions, top buttons	do	28
Onions, button sets	do	32
Parsnips	do	45
Paspalum	do	[3]
Peas, dry	do	60
Peas, green, in hull	do	30
Peaches, matured	do	50
Peaches, dried, unpeeled	do	33
Peaches, dried, peeled	do	38
Pears, matured	do	50
Pears, dried	do	26
Plums	do	64
Pieplant	do	50
Potatoes, Irish	do	60
Potatoes, sweet	do	55
Peanuts	do	22
Popcorn, shelled	do	56
Popcorn, unshelled	do	70
Quinces, matured	do	48
Raspberries	do	48
Rapeseed	do	50
Rye seed	do	56
Red top	do	14
Rye grass (Italian)	do	20
Rice	do	45
Sage	do	4
Salt	do	50
Sorghum, molasses	pounds per gallon	12
Sorghum seed	pounds per bushel	50
Strawberries	do	48
Salad, turnips, kale	do	30
Salad, mustard, spinach	do	30
Speltz	do	40
Turnips	do	55
Turnips, rutabagas	do	50
Tomatoes	do	56
Timothy seed	do	45
Velvert grass seed	do	7
Walnuts	do	50
Wheat	do	60

Sec 5. State superintendent of weights and measures, who is; deputy superintendent.—The commissioner of agriculture and industries by virtue of his office shall be State superintendent of weights and measures during his term of office acting with the advice and counsel of the State board of agriculture. He shall designate an assistant as deputy superintendent of weights and measures and any other competent inspector or agent of the commissioner of agriculture and industries may be designated by the commissioner as a State inspector and sealer of weights and measures.

Sec. 6. Secretary of state to transfer standards; where kept; maintenance; city or county standards; duties of superintendent and assistants; regulations for guidance of sealers.—It shall be the duty of the secretary of state to deliver to the commissioner of agriculture and industries, as superintendent of weights and measures, the standard weights and measures which have come into his possession under the provisions of chapter 47 of the Code of 1907. The commissioner of agriculture and industries shall duly receipt the secretary of state for the standard weights and measures received, and shall take charge of same for use as provided in this article. He shall cause them to be kept in a safe and suitable place in his office, from which they shall not be removed except for repairs or for certification, and he shall take all other necessary precautions for their safe-keep-

[3] No weight for paspalum is given.

ing. He shall maintain the State standard weights and measures in good order and shall before they are put into use, and at least once in every ten years thereafter submit them to the National Bureau of Standards for their certification. He shall also obtain from the National Bureau of Standards new and additional weights and measures as are adopted by the National Bureau of Standards under a resolution of Congress, approved June 14, 1836. The new weights and measures received shall be used in addition thereto or in renewal thereof of the standard weights and measures received from the secretary of state. These standard weights and measures when certified by the National Bureau of Standards shall be the State standards: *Provided*, That similar standard weights and measures, now in possession of the probate judges of the several counties in Alabama, and any new weights and measures when certified by the National Bureau of Standards are kept in a safe and suitable place, to be approved by the superintendent of weights and measures, in the office of the probate judge, may be used in like manner and for the same purposes as are the standard weights and measures kept in the office of the superintendent of weights and measures. He shall, at least once in five years, try and prove, by the State standards, all weights, measures and other apparatus which may belong to any county or city, and shall seal such, when found to be accurate, stamping on them the letter "C" and the last two figures of the year with seals which he shall have and keep for that purpose. He shall have and keep a general supervision of the weights, measures, and weighing and measuring devices offered for sale, sold, or in use, in the State. He shall, upon the written request of any citizen, firm, corporation, or educational institution in the State, test or calibrate weights, measures, weighing or measuring devices, and instruments or apparatus used as standards in the State. He, or his deputy or inspectors, by his direction, shall at least once annually test all scales, weights, and measures used in checking the receipts and disbursements of supplies in every institution for the maintenance of which moneys are appropriated by the legislature, and he shall report in writing his findings to the supervisory board and to the executive officer of the institution concerned; and, at the request of such board or executive officer, the superintendent of weights and measures shall appoint in writing one or more employees then in the actual service of each institution, who shall act as special deputy or deputies, without extra compensation, for the purpose of checking the receipts and disbursements of supplies. He shall keep a complete record of standards, balances, and other apparatus belonging to the State and take a receipt for same from his successor in office. He shall include a report of the work done by his office in his general report to the State board of agriculture. The State superintendent or his deputy, or inspectors, at his direction, shall inspect all standards and apparatus used by the counties and cities at least once in five years and shall keep a record of the same. He, or his deputy, or inspectors, at his direction shall at least once in five years visit the various cities and counties of the State in order to inspect the work of the local sealers, and in the performance of such duties he may inspect the weights, measures, balances, or any other weighing appliance of any citizen, firm, or corporation, and shall have the same power as the local sealer of

weights and measures. The superintendent shall issue from time to time regulations for the guidance of city and county sealers, and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties.

Sec. 6. City and county standards; tested by State superintendent.—The board of revenue, or court of county commissioners, of each county and the mayor of each city, who may, in their discretion, appoint a sealer under this article, shall keep at all times, at the expense of the county or city, a complete set of weights and measures and other apparatus of such material and construction as said superintendent of weights and measures may direct. All such weights, measures and other apparatus having been tried and accurately proven shall be sealed and certified to by the State superintendent as hereinbefore provided, and shall be then preserved by the county or city sealer as public standards for such county or city.

Sec. 7. County sealer, appointment of; duties; salary; no fees; powers and duties.—The court of county commissioners, or board of revenue, of each county may, in its discretion, appoint a county sealer of weights and measures in each county for a term of two years. He shall be paid a salary to be determined by said board, and no fee shall be charged by him, or by the county, for the inspection, testing, or sealing of weights, measures, or weighing or measuring devices; and, where not otherwise provided by law, the county sealer shall have the power within his county, and the State superintendent, his deputies and inspectors, within the State, to inspect, test, try, and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments, or mechanical devices for measuring, and also all tools, appliances, and accessories connected with any and all such instruments or measures kept, offered, or exposed for sale, sold or used, or employed within the county by any proprietor, agent, lessee, or employee, in proving the size, quantity, extent, area, or measurement of quantities, things, produce, articles for distribution or consumption offered or submitted by such person or persons for sale, hire, or award; and they shall have power to and shall from time to time weigh or measure packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered for sale, or sold or in the process of delivery, in order to determine whether the same contains the amount represented, and whether they be offered for sale or sold in a manner in accordance with law. The county sealer shall at least once each year, and as much oftener as he may deem necessary, see that the weights, measures, and all apparatus used in the county are correct. The county and State inspectors or agents may, for the purpose above mentioned, and in the general performance of their official duties, enter or go in upon, and without formal warrant, any stand, place, building, or premises, or stop any vendor, peddler, junk dealer, coal wagon, ice wagon, delivery wagon, or any dealer whatsoever and require him, if necessary, to proceed to some place which the sealer may specify for the purpose of making the proper tests. Whenever the county sealer or State inspectors find a violation of the statute relating to weights and measures, they shall cause the violator to be prosecuted. Whenever any sealer or inspector compares the weights, measures, or weighing and measuring instruments and finds that they correspond, or causes them to correspond, with the standards in his possession, he shall seal or mark

such weights, measures, or weighing or measuring instruments with appropriate devices to be approved by the State superintendent of weights and measures. The county sealer shall keep a complete record of all of his official acts and shall make an annual report to the board of supervisors and an annual report duly sworn to on the first day of July to the State superintendent of weights and measures on blanks to be furnished by the superintendent. The county sealer of weights and measures shall forthwith on his appointment give a bond in the penal sum of one thousand dollars with sureties to be approved by the appointing power for the faithful performance of the duties of his office: *Provided, however*, That nothing in the above shall be construed to prevent two or more counties from combining the whole or any part of their districts as may be agreed upon by the court of county commissioners or board of revenue of such counties, with one set of standards and one sealer, upon the written consent of the State superintendent of weights and measures. A county sealer appointed in pursuance of such an agreement for such combination shall, subject to the terms of his appointment, have the same authority, jurisdiction, and duties as if he had been appointed by each of the authorities who are party to the agreement.

Sec. 8. Appointment of city sealer; duties and powers; county sealer to act, when.—Any incorporated city in this State may, in its discretion, appoint a city sealer of weights and measures under this article. He shall be appointed by the mayor, by and with the advice and consent of the aldermen or by the city commission, as the case may be. He shall perform in said city similar duties, and have like powers, as the county sealer in the county. In those cities in which no sealer is appointed as above, the county sealer of the county, if there be one, shall perform in said cities the duties and have like powers as in the county: *Provided, however*, That nothing in the above shall be construed to prevent any county and a city situated [therein] from combining the whole or any part of their districts as may be agreed upon by and between the court of county commissioners or board of revenue of the county and the mayor and aldermen, or city commission, of such city, with one sealer, subject to the written approval of the State superintendent of weights and measures. A sealer so appointed in pursuance of an agreement for such combination shall, subject to the terms of his appointment, have the same authority, jurisdiction, and duties as if he had been appointed by each of the authorities who are parties to the agreement.

Sec. 9. False weights and measures; penalty.—Any person who by himself or by his servant or agent or as the servant or the agent of another shall offer or expose for sale, sell, or use or retain in his possession a false weight or measure or weighing or measuring device or any weight or measure or weighing or measuring device which has not been sealed by the sealer of weights and measures within five years, in the buying or selling of any commodity or thing or for hire or reward; or who shall dispose of any condemned weight, measure, or weighing or measuring device contrary to law or remove any tags placed thereon by the sealer of weights and measures; or any person who by himself or by his servant or agent as the servant or agent of another shall knowingly sell or offer [or] expose for sale less than the quantity he represents, or sell or offer or expose for sale any such commodity in a manner contrary to law; or any person who by

himself or by his servant or agent, or as the servant or agent of another, shall sell or offer for sale or have in his possession for the purpose of selling any device or instrument to be used to, or calculated to, falsify any weight or measure, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars or by imprisonment for not more than three months or by both such fine and imprisonment upon first conviction; but upon a second or subsequent conviction he shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment.

Sec. 10. Police powers for sealers.—The superintendent of weights and measures, his deputy, inspectors, and the county and city sealers of weights and measures are hereby made special policemen, and are authorized to seize, for use as evidence and without formal warrant, any false or unsealed weight, measure, or weighing or measuring device or package or amounts of commodities found to be used, retained, or offered or exposed for sale or sold in violation of law.

Sec. 11. Hindering or obstructing an official; penalty.—Any person who shall hinder or obstruct in any way the superintendent of weights and measures, his deputy or inspectors, or any county or city sealer in the performance of his official duties shall be guilty of a misdemeanor, and shall be punished upon conviction thereof, in any court of competent jurisdiction, by a fine of not less than ten nor more than two hundred dollars, or by imprisonment in the county jail for not more than ninety days or by both such fine and imprisonment.

Sec. 12. Impersonating an official; penalty.—Any person who shall impersonate in any way the superintendent of weights and measures, his deputies, inspectors, or any county or city sealer, by use of his seal or otherwise, shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than ninety days or by both such fine and imprisonment.

Code, 1923, Vol. 1, Pol. Code, p. 1066.

Sec. 2018 (1907). Scales, etc.—The council [of municipal corporations] may provide public scales and an inspection of weights and measures, and may provide punishment for persons, firms, and corporations using fraudulent weights and measures; * * *.

Agricultural Code, 1923, Art. 5, p. 9.

Sec. 4. Food, misbranding; net contents to be marked; slack filling prohibited.—* * * That for the purpose of this article an article of food or drugs shall also be deemed to be misbranded. A. In case of food: * * * Third. If in package form, the name of the article, together with the quantity of the contents in terms or weight, measure, or numerical count and the name and principal address of the manufacturer or other person responsible for placing the article on the market, be not plainly and conspicuously marked on the outside of the package. Fourth. If in package form, the package be not filled with the food it purports to contain, within the limits of tolerance fixed by the State board of agriculture, irrespective of whether

the quantity of the contents be plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

Agricultural Code, 1923, Art. 6, p. 13.

Sec. 10. Ice cream, standard of weight.—For the purpose of this article, ice cream shall be deemed to be adulterated: * * * Fifth. If it contains less weight per unit volume than the standards promulgated from time to time by the State board of agriculture. * * *

Agricultural Code, 1923, Art. 10, p. 23.

Sec. 4. The legal weight standard of eggs in the State of Alabama shall be as follows: Extras, No. 1, No. 2, and No. 3. Extras must weigh over 26 ounces per dozen net. No. 1 must weigh 24–26 ounces per dozen net. No. 2 must weigh 20–24 ounces per dozen net. No. 3 those eggs that weigh less than 20 ounces per dozen net. When eggs are sold on the basis of the legal weight standard, the retail price will be quoted as of grade No. 1. If other than grade No. 1, proper adjustment must be made.

Agricultural Code, 1923, Art. 11, p. 26.

Sec. 1. Standard containers for corn meal; net weight to be marked.—Any miller or person shall be guilty of a misdemeanor who manufactures, grinds, or re-packs corn meal, or who conducts a merchant mill, to pack or cause to be packed, or be offered for sale to merchants or the general public, or to carry in stock with intent to sell, corn meal, bolted or unbolted, packed in any other than six pounds, twelve pounds, twenty-four pounds, forty-eight pound, and ninety-six pound sacks, or ninety-six pound barrels, and one hundred and ninety-six pound barrels, wood; or shall fail to have plainly printed or stenciled upon them "bolted meal," or "unbolted meal," steam or water ground, as the case may be, as indicating the kind of power used in the mill producing the same, "eighth bushel," "fourth bushel," or "peck," "half bushel," "one bushel," "two bushels," and the barrel and half barrel, or who shall fail to show the net weight in pounds.

Sec. 2. Violation a misdemeanor; corn meal may be sold from bulk.—Any merchant, dealer, vendor, hawker, or other person, who sells any corn meal, bolted or unbolted, in any other than six pounds, twelve pounds, twenty-four pounds, forty-eight pounds, and ninety-six pound sacks, or ninety-six pound half barrels, and one hundred and ninety-six pound barrels, wood, shall be guilty of a misdemeanor; provided any retail merchant, may, on order, weigh and sell, from bulk meal, any number of pounds desired by any individual customer.

Sec. 3. Penalty.—Any person, convicted under either of the two preceding sections, shall be fined not less than fifty nor more than one hundred dollars for the first offense, but on the second conviction shall be fined not less than one hundred nor more than five hundred dollars, one-fourth of said fine in either instance shall be paid to the informer furnishing proof leading to a conviction, out of the county treasury, after the payment of such fine upon the order of the solicitor prosecuting the case.

Sec. 4. Enforcement.—The commissioner of agriculture and industries shall cause to be made from time to time such investigations as may be necessary to determine whether the provisions of this article have been complied with. If it shall appear from such investigations that any provisions of this article have been violated, he shall certify the facts to the solicitor in the county or district in which the violation was committed and furnish that officer with the facts in the case.

Sec. 5. Weights fixed by Congress to be recognized within the State.—Should during the operation of this article, a national decimal weight bill or other bill be passed by Congress, authorizing the sale in interstate commerce of corn meal in packages or bags differing in weight and branding from the weights and branding prescribed in sections 1 and 2 of this article, the weights and branding described in the national bill for interstate commerce may for the sake of uniformity become operative in the intrastate trade of Alabama, in lieu of the weights and branding herein prescribed in sections 1 and 2: *Provided*, That the commissioner of agriculture and industries issue and give publicity to this effect.

Agricultural Code, 1923, Art. 20, p. 51.

Sec. 1 Grain and cottonseed hulls, method of sale.—Any person who sells any corn, oats, rye,wheat, barley or cottonseed hulls, in sacks or bags, except in quantities hereinafter respectively prescribed, shall be guilty of a misdemeanor.

Sec. 2. Weight of bags; marking.—Oats shall be sold in sacks containing two and one-half and five bushels, weighing net respectively eighty and one hundred and sixty pounds; rye and corn in two and two and one-half bushel sacks, weighing net one hundred and twelve pounds and one hundred and forty pounds respectively; wheat in two bushel sacks, weighing net, respectively ninety-six and one hundred and forty-four pounds; and cottonseed hulls in one hundred pound sacks or bags; provided, that such sacks, bags or packages shall have plainly marked or stenciled thereon in large type and figures, the net quantities herein required and the name and address of the manufacturer or distributor.

Sec. 3. Not applicable to article sold in bulk.—The foregoing provisions shall apply only when said articles are sold in sacks, bags or other packages, and shall not prevent the sale of any of said articles in bulk. These provisions shall not apply to sales of grain or cereals by the producer or grower of such grains or cereals.

Agricultural Code, 1923, Art. 31, p. 85.

Sec. 3. Cotton, amount and weight of bagging and ties to be fixed.—Power is hereby conferred upon the State board of agriculture to establish rules and regulations not inconsistent with law, for the conduct and management of public gins, the character, amount and weight of bagging and ties to be used, the marking or tagging of cotton, the records to be kept, reports made as to ginning and other like matters that may tend to protect the interests of the public.

Agricultural Code, 1923, Art. 32, p. 86.

Sec. 1. Cotton, deduction from weight unlawful; untested weights prohibited.—It shall be unlawful for any person, in buying baled cotton,

or in weighing such cotton for sale, to deduct from the actual weight thereof, as shown on a level-standing beam of the scale, or to use in weighing cotton untested weights, so as to deprive the seller of the cotton of any of its real value.

Sec. 2. Violation, penalty.—Any person, who violates the preceding section, shall be guilty of a misdemeanor, and on conviction, be fined in each case, not less than ten nor more than fifty dollars. But deductions may be made by mutual consent of buyer and seller or their authorized agents or representatives, on wet or damaged cotton bales, on each bale so weighed or deducted from.

Sec. 3. Record to be kept of cotton weighed.—Any corporation, companies, individuals, or their agents, operating or owning places for storing and weighing cotton, doing business in this State, who fail to keep a record of all bale cotton weighed by warehousemen, corporations, companies, individuals or their agents, for whom each bale of cotton is weighed, with the names of such persons arranged alphabetically, or who fails to keep such record open to the inspection of the public at all reasonable times, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five nor more than five hundred dollars, for each violation thereof.

Agricultural Code, 1923, Art. 30, p. 82.

Sec. 1. Terms defined.—In this article the term "agricultural products" shall include horticultural, viticultural, dairy, bee, poultry and any farm product; the word "person" shall include individuals, partnerships, corporations, associations, or two or more individuals having a joint or common interest; words used import the singular or the plural as the case may demand.

Sec. 2. Standards for containers.—In order to promote, protect, further, and develop the agricultural interests of this State the commissioner of agriculture and industries, with the advice and counsel of the State board of agriculture is hereby authorized and empowered after investigation and public hearing to fix and promulgate official standards for grading and classifying any or all agricultural products grown or produced in this State and to fix and promulgate official standards for containers of farm products and to change any of them from time to time.

Sec. 3. Standards, when effective.—In promulgating the standards or any alterations or modification of such standards the commissioner of agriculture and industries shall specify the date or dates when the same shall become effective and shall give public notice not less than 30 days in advance of such date or dates by such means as he deems proper, and he is hereby authorized and empowered to employ reasonable methods for diffusing information concerning the standards that may be fixed by him for any agricultural product or container.

Sec. 11. Unlawful to use other container when standard has become effective.—* * * Whenever any standard for a container for an agricultural product becomes effective under this article, no person thereafter shall pack for sale, offer for sale, consign for sale, or sell and deliver, in a container, any such agricultural product to which the standard is applicable, unless the container conform to the stand-

ard subject to such variations therefrom as may be allowed in the regulations made under this article, unless such product be brought from outside the State and offered for sale, consigned for sale or sold in the original package. Any person violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars or be imprisoned not more than one year or both.

Agricultural Code, 1923, Art. 15, p. 32.

Sec. 2. Commercial feeds; size of bags.—Every lot or parcel of commercial feeds sold in this State shall have affixed thereto a tag or label, in a conspicuous place on the outside thereof, containing a legible and plainly printed statement in the English language, clearly and truly certifying the net weight of the package (provided that all commercial feeds shall be in standard weight bags or packages of 25, 50, 100, 150 or 200 pounds, except that packages weighing eight and one-third pounds net may be distributed to retailers in one hundred pound containers and sold only when the packages are tagged or labeled as provided in this article and the one hundred pound container have affixed thereto a one cent tax stamp); the name, brand, or trade-mark under which the article is sold; the name and address of the manufacturer, jobber or importer, * * *

Agricultural Code, 1923, Art. 16, p. 36.

Sec. 15. Commercial fertilizer; weight to be marked.—Every bag, barrel or package of commercial fertilizers sold or distributed within this State shall have affixed thereto a tag or label, containing a legible and plainly printed statement in the English language, clearly and truly certifying the following information in the order indicated. (1) Net weight of each bag, barrel or package in pounds; (2) brand name or trade mark; * * *

Code, 1923, Vol. 2, Crim. Code, ch. 249, p. 815.

Sec. 5614°. Selling by false weights and measures.—If any person shall knowingly buy or sell by false weights or measures, he shall be deemed a common cheat, and shall be punished as for a misdemeanor.

Code, 1923, Vol. 2, Crim. Code, ch. 111, p. 212.

Sec. 3774 (*a*) **(a1890). Weighing cotton.**—It shall be unlawful for any person, firm, company, or corporation, in buying baled cotton, or in weighing such cotton for sale, to deduct from the actual weight thereof, as shown on a level-standing beam of the scale, or to use in weighing cotton untested weights, so as to deprive the seller of the cotton of any of its real value.

Sec. 3775. Violation.—Any person, firm, company or corporation who violates the preceding section, shall be guilty of a misdemeanor, and, on conviction, be fined in each case, not less than ten nor more than fifty dollars. But deductions may be made by mutual consent of buyer and seller or their authorized agents or representatives, on wet or damaged cotton bales, on each bale so weighed or deducted from.

Code, 1923, Vol. 1, Pol. Code, ch. 47, p. 1253.

Sec. 2729 (1915). Standard measure for oysters; stamped by inspector; record of measures.—A standard measure for oysters is estab-

lished, which said measures shall consist of a tub or other round vessel of the following dimensions, to wit, it shall measure seventeen inches in diameter inside at the bottom and twenty-one and a half inches in diameter inside at the top, and fourteen and a half inches inside from bottom to top, or a box containing the equivalent number of cubic inches or a box twenty inch by twenty inch by twelve and sixty-one one-hundredths of an inch. Two of these measures filled to the top shall make one barrel, and all oysters bought and sold in this State in the shell shall be measured in a measure of these dimensions, or a measure holding a fraction or multiple thereof, and it shall be unlawful for any person to have in his possession any measure for oysters in the shell which shall differ inside from the measure herein provided for, or demand or require a greater or less measure in buying or selling; and no vessel or measure shall be used in buying or selling oysters until it has been measured and stamped by the oyster inspector. The oyster inspector shall measure such measures and shall visit for that purpose each place where oysters are bought and sold, and he shall keep a book in which shall be recorded the dimensions of all measures so measured.

Code, 1923, Vol. 2, Crim. Code, ch. 201, p. 654.

Sec. 5115 (1892). Illegal measurement in buying and selling oysters.—Any person buying or selling oysters in the shell by measure who uses any other than the box measure of the shape and dimensions required by law must, on conviction, be fined not less than ten nor more than one hundred dollars.

Agricultural Code, 1923, Art. 19, p. 49.

Sec. 1. White lead or paint to be labeled.—Every person who shall sell, within this State, any white lead or paint, shall accurately label the same as hereinafter required.

Sec. 2. Definition.—The term "paint" as used in this article, shall include white lead in oil or any compound intended for the same use, paste or semi-paste, and liquid or mixed paint of any kind ready for use, or any compound intended for the same use.

Sec. 3. Net contents to be marked.—Labels required by this article shall clearly and distinctly state the name and address of the manufacturer of the article, or the dealer therein, or of the party for whom the same is manufactured, * * *. The label shall also state, in case of liquid paints, and other compounds, on packages holding one quart or more, the net measure of contents of each can, package or container. In case of white lead and other paints and compounds, the label shall show on packages weighing four pounds or more the net weight of each can, package or container.

Agricultural Code, 1923, Art. 6, p. 13.

Sec. 8. Operators of milk or cream testing apparatus to be licensed; violation, penalty.—It shall be unlawful for any person to operate a milk or cream testing apparatus to determine the percentage of milk fat in milk or cream for the purpose of purchasing same, either for himself or another, without first securing a license from the commissioner of agriculture and industries, who shall issues such license upon a form prepared by him, upon payment of a fee of one dollar, for a period of twelve months; provided the applicant for

license shall pass a satisfactory personal examination that shall satisfy said commissioner that he is competent and qualified to operate and use such apparatus and make an accurate test with same which license may be revoked by the commissioner when it shall be shown that such licensed person is incompetent or unreliable. Any person making application for tester's license may be issued a permit by the commissioner to do testing until such time as a personal examination can be given by the commissioner or his duly authorized agent. The testing of each lot of milk or cream by any unlicensed person shall constitute a separate offense under this article: *Provided*, That any licensed person may for a valid reason satisfactory to said commissioner, appoint a substitute for a period not to exceed fifteen days, and subject to the approval of said commissioner.

Sec. 9. Unlawful falsely to manipulate testing apparatus.—It shall be unlawful for any person, either for himself or another to falsely manipulate or under-read or over-read or take inaccurate samples or take any false determinations by Babcock test or any other contrivance used to determine the quantity of fat in milk or cream or value of milk or cream delivered to a creamery, cheese factory, condensary, ice cream plant, milk plant, or milk depot, or when sold or purchased. The test shall be clear oil, free from sediment, solids, or other foreign substance, and must be read at a temperature of 125 degrees—140 degrees F. Cream test must be weighed. The scales must be sensitive and accurate. The tester and owner or owners are jointly responsible for their accuracy. All licensed receiving stations, conducted for the purchase of butter fat either in the form of cream or milk, shall retain in a cool, clean sanitary place, and in tightly stopped bottles, or tightly covered jars the exact, properly labeled samples of cream or milk from which the butterfat test has been conducted, until 4 p. m. of the day following the application of the test where daily testing is practiced, and until 4 p. m. of the second day following the application of the test where composite testing of individual deliveries is practiced.

Code, 1923, Vol. 1, Pol. Code, ch. 41, p. 949.

Sec. 1616 (1911). Standards, etc., to be procured.—The chief mine inspector shall procure for the State at the State's expense a full and complete set of standards and other equipment, such as, in his opinion, are necessary in the testing of scales, beams, and other necessary apparatus to be used for a just weighing of coal and other material at the coal mines according to the State standard of weights; and it shall be the duty of said inspector to examine, test and cause to be adjusted as often as occasion demands, all scales and other apparatus used in weighing coal at coal mines.

Sec. 1708. Scales provided by owner when miners paid by weight.—The owner or operator of each coal mine, at which the miners are paid by weight, shall provide such mines with suitable scales of standard make for the weighing of all coal, when contracted for to be weighed.

Sec. 1709. Coal weighed and credit given miner, 2,000 pounds a ton.—All coal mined in this State, contracted for payment by the ton or other weight shall be weighed, and the full weight thereof shall be credited to the miner of such coal, and two thousand pounds of coal shall constitute a ton.

Sec. 1710. Check weighman may be furnished by miners; duties, etc., of.—In all coal mines, the miners employed and working therein may furnish a check weighman, who shall, at proper times, have full access and examination of the scales, and see all measures and weights and accounts kept of same: *Provided*, That not more than one person shall have such right of access, examination and inspection of scales, measures and accounts at the same time.

Sec. 1711. Persons having access to scales, etc.—The mine inspector, miners employed in the coal mines and the owner of the land or persons interested in the rental and royalty of such mines, shall at all times have full right of access to scales used at said mines, including tally sheets or tally book in which the weight of coal is kept, to examine the amount of coal mined, for the purpose of testing the accuracy thereof.

Code, 1923, Vol. 2, Crim. Code, ch. 186, p. 626.

Sec. 4988 (1894). Mine operator failing to have ore or coal accurately weighed.—Any person or corporation operating any ore or coal mine in which miners or other laborers are employed to mine or cut ore or coal for a compensation to be determined by the weight of the ore or coal mined or cut, who fails to weigh, or cause to be weighed, accurately and correctly, any ore or coal so mined or cut by such miners or laborers, must, on conviction, be fined for each offense not less than ten dollars nor more than one hundred dollars.

ALASKA

Compiled Laws, 1913, Crim. Code, ch. 3, p. 653.

Sec. 1949°. Using false weight, etc.—That if any person shall knowingly use any false weight or measure, and shall thereby defraud or otherwise injure another, or shall knowingly mark or stamp a false weight or measure or false tare upon any cask or package, or shall knowingly sell or offer for sale any cask or package so marked, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine not less than fifty nor more than five hundred dollars.

ARIZONA

Revised Stats., 1913, Title 56, p. 1787.

Sec. 5510 (1912). Standards adopted.—The weights and measures received from the United States under a resolution of Congress approved June 14, 1886 [1836,] and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or in renewal thereof, and such as shall be supplied by the State in conformity therewith and certified by the National Bureau of Standards, shall be the State standards by which all municipal standards of weights and measures shall be tried, approved, and sealed.

Sec. 5511. State inspector; fees; proviso; fees, record and disposition of.—There shall be a State inspector of weights and measures who shall be appointed by the governor by and with the advice and consent of the Senate. Such inspector shall be appointed for a term of two years and shall receive a salary of two thousand dollars per year. The State inspector of weights and measures shall be allowed for clerical services and for traveling and contingent expenses for himself such sums as shall be appropriated by the legislature.

For inspecting, testing, and sealing, weights and measures the State inspector shall charge, and collect from, the person owning or using such weight or measure, the following fees: *Provided, however*, That no fee shall be charged or collected for the inspection of weights or measures, or weighing or measuring devices, of any State institution:

For each counter scales of capacity of 6 pounds or less	$0.15
For each counter scales of capacity of more than 6 pounds	.25
For each counter scales of 1,000 pounds or less	.50
For each portable platform scales of capacity of more than 1,000 pounds	1.00
For each dormant or floor scales	2.50
For each railroad-track scales	5.00
For each spring scales of capacity of 30 pounds or more	.50
For each spring scales of capacity of less than 30 pounds	.25
For all other scales, instruments, and devices for weighing not herein specified, each	.50
For each measure containing 1 gallon or less	.05
For each measure containing more than 1 gallon, for first gallon, and for each additional gallon or fractional part thereof	.05
For each yard measure or fractional part thereof	.05

Provided, however, That where any weight or weights, measure or measures, scale or scales, balance or balances, scale beam or scale beams, steelyard or steelyards, or any other instrument or device for weighing or measuring, used by or belonging to any person, firm, or corporation shall be tested by said inspector oftener than once per year, no fee or fees shall be charged or collected for more than one inspection per year, except in case such instrument or device be found upon a subsequent testing to be false and incorrect, whereupon the regular fee shall be collected and paid.

The inspector shall keep an itemized list of all fees collected by him in pursuance of this title, and at the end of each month he shall turn said fees and said itemized list over to the State treasurer and take his receipt therefor.

Sec. 5512. Further duties of State inspector; State standards, preservation and verification; report; inspection of city standards and work of local sealers; police powers; record of inspection; bond.—The State inspector of weights and measures shall take charge of the standards adopted by this title as the standards of the State, and cause them to be kept in a fireproof building belonging to the State (or in a safe and suitable place in the office of the inspector), from which they shall not be removed except for repairs or for certification; and he shall take all other necessary precautions for their safe-keeping. He shall maintain the State standards in good order, and shall submit them at least once in ten years to the National Bureau of Standards for certification. He shall at least once in two years try and prove by the State standards all standards, weights, measures and other testing apparatus, which may belong to any city, and shall seal such when found to be accurate by stamping on them the letter "A" and the last two figures of the year, with seals which he shall have and keep for that purpose. He shall procure, at the expense of the State, a portable set of weights and measures, balances and other necessary testing appliances, to be used in the inspection of all weights, or measures, weighing or measuring devices, owned by the State, or by any person, firm, or corporation, or by any agent, lessee, or employee thereof, in all precincts, towns or cities with a population of not more than five thousand nor less than nine hundred inhabitants according to the latest official State or United States census. He shall compare such portable set of weights and measures, balances, and other necessary testing appliances, with the State standards, at least once annually, and in the event such portable set of standards is found to be inaccurate, he shall cause it to correspond with the State standards in his custody. He shall have and keep a general supervision of the weights, measures, and weighing and measuring devices, offered for sale, sold, or in use in the State. He shall upon the written request of any citizen, firm, corporation, or educational institution in the State, test or calibrate weights, measures, or other weighing or measuring devices and instruments or apparatus used as standards in the State. He shall at least once annually test all scales, weights, and measures, used in checking the receipts or disbursements of supplies in any institution for the maintenance of which moneys are appropriated by the legislature, and he shall report in writing his findings to the supervisory board, and to the executive officers of the institution concerned, and, at the request of such board of executive officers, the State inspector of weights and measures shall appoint one or more employees then in the actual service of such institution, who shall act as special deputies for the purpose of checking the receipts or disbursements of supplies. He shall keep a complete record of the standards, balances and other apparatus, belonging to the State, and take a receipt for the same from his successor in office. He shall annually on the first day of June make to the governor a report of the work done by his office. The State inspector shall inspect all standards and apparatus used by the cities at least once in two years, and shall keep

a record of the same. He shall at least once every year visit the various cities of the State having city sealers, in order to inspect the work of such local sealers, and in the performance of such duties he may inspect the weights, measures, balances, or any other weighing or measuring appliances, of any citizen, firm, or corporation, and shall have the same powers as the local sealer of weights and measures. It shall be the duty of the State inspector, and he is hereby empowered, in all precincts, towns, or cities of not less than nine hundred, nor more than five thousand inhabitants according to the latest official State or United States census, and in all other places and precincts whenever request is filed with his office so to do, to inspect, test, try and ascertain if they are correct, at least once a year, and as much oftener as he may deem necessary, all weights, scales, beams, measures of every kind, instruments or mechanical devices for weighing or measuring, and tools, appliances, or accessories, connected with any or all such instruments kept, offered, or exposed for sale, sold, or used, or employed, within the city by any proprietor, agent, lessee or employee, in proving the size, quantity, extent, area, or measurements, or quantities, of things, produce, or articles for distribution or consumption offered or submitted by any such person or persons for sale, hire, or award; and he shall have the power to and shall from time to time, weigh or measure packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered for sale, or sold, or in the process of delivery, in order to determine whether the same contains the amount represented, and whether they be offered for sale or sold in a manner in accordance with law. He may for the purpose above mentioned and in the general performance of his official duties, enter and go into or upon, and without formal warrant, any stand, place, building or premises, or stop any vendor, peddler, junk dealer, coal wagon, ice wagon, delivery wagon, or any dealer whatsoever, and require him, if necessary, to proceed to some convenient place for the purpose of making the proper test. When the State inspector finds a violation of the statutes relating to weights and measures, he may cause the violator to be prosecuted. When the inspector compares weights or measures, or weighing or measuring instruments, and finds that they correspond with the standards in his possession, he shall seal or mark such weights or measures, or weighing or measuring instruments with appropriate devices. He shall condemn and seize, and may destroy incorrect weights or measures, or weighing or measuring instruments which in his best judgment are not susceptible of satisfactory repair; but such as are incorrect and yet may be repaired he shall mark or tag as "condemned for repairs." The owner or users of any weights or measures, or weighing or measuring instruments of which such disposition is made shall have the same repaired or corrected within fifteen days, and they may not use or dispose of the same in any way, but shall hold the same at the disposal of the inspector. Any apparatus which has been "condemned for repairs" and has not been repaired as required above, shall be confiscated by the inspector.

The State inspector shall keep in a book, together with a card index system to be furnished him by the State, a complete list of all scales, or weights, or weighing or measuring devices, inspected

and tested by him, the name of the person, firm, or corporation, owning the same, and the date and result of all inspections, and shall at all times keep the same open to the inspection of the public.

The State inspector shall issue from time to time regulations for the guidance of city sealers, and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties.

The State inspector shall forthwith on his appointment give a bond in the penal sum of five thousand dollars with sureties to be approved by the governor for the faithful performance of the duties of his office and for the safety of the standards entrusted to his care, and for the surrender thereof immediately to his successor in office or to the person appointed by the governor to receive them.

Sec. 5513. State inspector to test electric, water, and gas meters; tolerance allowed; record of meters tested.—It shall be the duty of the State inspector of weights and measures, in unincorporated or incorporated cities or towns with a population of not more than five thousand nor less than nine hundred inhabitants, according to the latest official State or United States census, at least once in every two years, and as much oftener as he may deem necessary, to test the accuracy of every meter used or to be used in the measuring of any water, electricity or gas furnished or to be furnished to the consumer through such meter. If the meter tested shall, upon test thereof, by the inspector, be found to measure too fast or too slow by as much as three per centum, such meter shall be condemned by him and shall not be again used or used at all until corrected and made to measure accurately. Unless any water, gas, or electric meter is made to conform with the standard of such State inspector within thirty days after the date of the condemnation by such inspector, the said State inspector is not required to retest such condemned water, gas or electric meter for a period of one year thereafter.

The State inspector shall keep in a book, together with a card index system to be furnished him by the State, a complete list of all meters inspected and tested by him, the name of the person, firm, or corporation owning the same, the name of the furnisher of the water, gas, or electricity, the name of the consumer thereof, and the date and result of all inspections, and shall at all times keep the same open to the inspection of the public.

Sec. 5514. State inspector to test meter used as standard.—He shall, upon the written request of any citizen, firm or corporation, or educational institution in the State, test any water, gas, or electric meters used as standards in the State. He shall, at least once every year, test all water, gas, and electric meters used in any institution for the maintenance of which moneys are appropriated by the legislature, and he shall report in writing his findings to the supervisory board and to the executive officers of the institution concerned.

Sec. 5515. Standards to be procured and kept by cities; test, certification and preservation.—The common council of each city required to appoint a sealer under this title, shall procure at the expense of the city, and shall keep at all times, a complete set of weights and measures, and other testing apparatus, of such materials and construction as the said State inspector may designate. All such weights and

measures, and other testing apparatus, having been tried and accurately proved by him, shall be sealed and certified to by the State inspector, as hereinbefore provided, and shall then be deposited with and preserved by the city sealer as public standards for such city. Whenever the common council of such city shall neglect for six months so to do, the city clerk of such city, on notification and request by the State inspector, shall provide such standards and cause the same to be tried, sealed and deposited, at the expense of the city.

Sec. 5516. Appointment of city sealers; tenure and salary; powers and duties; may condemn and seize apparatus; reports; cities may combine; fees.—There shall be a city sealer of weights and measures in unincorporated or incorporated towns or cities of not less than five thousand population, according to the latest official State or United States census, who shall be appointed by the common council of such city for a period of one year. He shall be paid a salary determined by such board, said salary not to be less than nine hundred dollars a year.

Where not otherwise provided by law, the city sealer shall have the power within his city to inspect, test, try and ascertain if they are correct all weights, scales, beams, measures of every kind, instruments or mechanical devices for weighing and measuring, and tools, appliances, or accessories, connected with all such instruments and measures, kept, offered or exposed for sale, sold, used, or employed, within the city by any proprietor, agent, lessee, or employee, in having the size, quantity, extent, area, or measurements, of quantities, things, produce, or articles for distribution or consumption, offered or submitted by such person or persons for sale, hire, or award; he shall have the power to, and shall from time to time, weigh or measure packages or amounts of commodities of whatsoever kind kept for the purpose of sale, or sold, or in the process of delivery, in order to determine whether the same contains the amounts represented and whether they be offered for sale or sold, in a manner in accordance with law. He shall at least twice each year, and as much oftener as he deems necessary, test the accuracy of weights, measures, and weighing or measuring devices used in such city. He may for the purpose above mentioned, and in the general performance of his duties, enter and go into or upon, without formal warrant, any stand, place, building or premises, or stop any vender, peddler, junk dealer, coal wagon, ice wagon, delivery wagon or any dealer whatsoever, and require him, if necessary, to proceed to some convenient place for the purpose of making the proper test. When the city sealer finds a violation of the statutes relating to weights and measures, he shall cause the violators to be prosecuted. When the sealer compares weights or measures, or weighing or measuring instruments, and finds that they correspond with the standards in his possession, he shall seal or mark such weights, measures, or weighing or measuring instruments, with appropriate devices, to be approved by the State inspector of weights and measures. He shall condemn and seize, and may destroy, incorrect weights and measures, or weighing or measuring instruments, which in his best judgment are not susceptible of satisfactory repairs; but such as are incorrect and yet may be repaired, he shall

mark or tag as "Condemned for repairs" in a manner prescribed by the State inspector. The owner or users of any weights or measures, or weighing or measuring instruments, of which such disposition is made, shall have the same repaired or corrected within fifteen days, and they may neither use or dispose of the same in any way, but shall hold same at the disposal of the sealer, and any apparatus which has been "condemned for repairs," and has not been repaired as required above, shall be confiscated by the sealer.

The city sealer shall keep in a book, together with a card-index system to be furnished him by the common council, a complete list of all scales, or weights, or weighing or measuring devices, inspected and tested by him, the name of the person, firm or corporation using such scales, weights or weighing or measuring devices, and the date and result of all inspections, and shall at all times keep the same open to the inspection of the public.

The city sealer shall keep a complete record of all his official acts, and shall make a monthly and an annual report to the common council of such city, and a monthly and an annual report duly sworn to, on the first day of each month and year, to the State inspector of weights and measures, on blanks to be furnished by said inspector.

The city sealer of weights and measures shall forthwith on his appointment give a bond in the penal sum of one thousand dollars, with sureties to be approved by the appointing power, for the faithful performance of the duties of his office.

Provided, however, That nothing in the above shall be construed to prevent two or more cities from combining the whole or any part of their districts as may be agreed upon by the common councils of such cities, with one set of standards and one sealer, upon the written consent of said State inspector. A city sealer appointed in pursuance of an agreement of such combination shall, subject to the terms of his appointment have the same authority, jurisdiction and duties as if he had been appointed by each of the authorities who are parties to the agreement.

For inspecting, testing and sealing weights and measures the city sealer shall charge and collect from the person owning or using such weight or measure the following fees:

For each counter scales of capacity of 6 pounds or less	$0.15
For each counter scales of capacity of more than 6 pounds	.25
For each portable platform scales of capacity of 1,000 pounds or less	.50
For each portable platform scales of capacity of more than 1,000 pounds	1.00
For each dormant or floor scales	2.50
For each railroad-track scales	5.00
For each spring scales of capacity of 30 pounds or more	.50
For each spring scales of capacity of less than 30 pounds	.25
For all other scales, instruments and devices for weighing not herein specified, each	.50
For each measure containing 1 gallon or less	.05
For each measure containing more than 1 gallon, for first gallon, and for each additional gallon or fractional part thereof	.05
For each yard measure or fractional part thereof	.05

Provided, however, That where any weight or weights, measure or measures, scale or scales, balance or balances, scale beam or scale beams, steelyard or steelyards, or any other instrument or device for weighing or measuring used by or belonging to any person, firm or corporation, shall be tested by said sealer oftener than twice per year,

no fee or fees shall be charged or collected for more than the two inspections per year, except in case such instrument or device be found upon such subsequent testing to be false and incorrect, whereupon the regular fee shall be collected and paid.

The sealer shall keep an itemized list of all fees collected by him in pursuance of this title and at the end of each month he shall turn said fees and said itemized list over to the city treasurer and take his receipt therefor.

Sec. 5517. City sealer to test appliances.—It shall be the duty of the city sealer in unincorporated or incorporated cities of not less than five thousand population, according to the latest official State or United States census, at least once in every two years and as much oftener as may in his judgment be necessary, or whenever requested in writing by either the furnisher of water, electricity, or gas, or by the consumer of the same, to test the accuracy of any meter used or to be used in the measuring of any water, electricity, or gas furnished or to be furnished to the consumer through such meter. If the meter tested shall, upon a test thereof by the sealer, be found to measure too fast or too slow by as much as three per cent, such meter shall be condemned by him, and the owner or owners of the same shall be notified of the condemnation at the time when such condemnation is made by the city sealer, and such meter shall not be again used or used at all until corrected and made to measure accurately.

The city sealer shall keep in a book, together with a card-index system to be furnished him by the city, a complete list of all meters inspected and tested by him, the name of the person, firm or corporation owning the same, the name of the furnisher of the water, gas or electricity, the name of the consumer thereof, and the date and result of all inspections, and shall at all times keep the same open to the inspection of the public.

Sec. 5518. Penalty for use of false weights or measures.—Any person who by himself or by his servant or agent, or as the servant or agent of another, shall offer or expose for sale, sell, or use, or retain in his possession, a false weight or measure, or weighing or measuring device, or any weight or measure, or weighing or measuring device, which has not been sealed by the city sealer or the State inspector of weights and measures within one year, in the buying or selling of any commodity or thing, or for hire or award, or who shall dispose of any condemned weight, measure, or weighing or measuring device, contrary to law, or remove any tag placed thereon by a city sealer or the State inspector of weights and measures, or any person who by himself or his servant, or agent, or as the servant or agent of another, shall use, or offer, or expose for sale less than the quantity he represents, or sell or offer, or expose for sale, any such commodity in a manner contrary to law; or any person who by himself, or by his servant or agent, or as the servant or agent of another, shall sell or offer for sale, or have in his possession for the purpose of selling, any device or instrument to be used or calculated to falsify any weight or measure, shall be guilty of a misdemeanor, and shall be punished by fine of not less than twenty-five dollars nor more than two hundred and fifty dollars, or by imprisonment for not more than three months, or by both such fine and imprisonment, upon a first conviction; but upon a second or subsequent con-

viction he shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Sec. 5519. Evidence as to use of false apparatus.—The proximity of any weight, measure, scale, balance or other instrument or device for weighing or measuring any goods, wares or merchandise kept, sold or offered by any person, firm, or corporation to any such goods, wares, or merchandise, shall be prima facie evidence of the use of such instrument or device for weighing or measuring the same, and all such instruments or devices so located as aforesaid are hereby declared to be subject to all the provisions of this title.

Sec. 5520. Sealers to be special policemen.—The said State inspector and city sealers of weights and measures are hereby made special policemen, and are authorized and empowered to arrest without formal warrant, any violator of the statutes in relation to weights and measures, and to seize for use as evidence and without formal warrant, any false or unsealed weight, measure, or weighing or measuring device, or package or amounts of commodities found to be used, retained, or offered or exposed for sale, or sold, in violation of law.

Sec. 5521. Sealers not to deal in appliances for weighing or measuring.—It shall be unlawful for the State inspector or any city sealer of weights and measures, to keep for sale, expose or offer for sale, or to sell, to any person, firm, or corporation or dealer in goods, wares, and merchandise, doing or intending to do business as such in the State of Arizona, any weights, measures, scales, balances, or weighing or measuring devices of any kind for weighing or measuring goods, wares, merchandise or to be interested directly or indirectly in the sale of such instruments or devices.

Sec. 5522. Water, electric, or gas meter to be tested before installation.—It shall be unlawful for any person, firm, or corporation, in any city having a city sealer of weights and measures, to install any water, electric, or gas meter, for measuring water, electricity, or gas for purposes of lighting, heating, or other commercial or domestic uses, without first having had such meter tested by the city sealer of weights and measures.

Sec. 5523. Regulation of charges, minimum charge; tolerance.—It shall be unlawful for any person, firm, or corporation, to sell and deliver, charge and collect for water, electrical energy, or illuminating gas, used or to be used for lighting, heating, or other commercial or domestic purposes, except by meter measurement, if the consumer shall request that the same be sold by meter measurement; or to charge and collect for a greater amount of such water, electrical energy, or illuminating gas, than actually furnished during the period for which the charge was made: *Provided, however*, That an allowance of not exceeding three per centum may be made for inaccuracy in meter measurement.

And provided, further, That upon application to the corporation commission, said commission may permit any corporation, engaged in furnishing water, electrical energy or illuminating gas to make such minimum charge, not exceeding one dollar per month, as said commission may deem proper, but such minimum charge shall in no

case be added to any charge for water, electrical energy, or gas consumed; and upon like application, the corporation commission may permit any corporation furnishing power to make such reasonable minimum charge as said commission may prescribe, but such minimum charge shall in no case be added to any charge for power consumed: *And provided further*, That no charge in the first installation shall be made by any public service corporation for making connection for water, gas, electricity for lighting, or telephones. Any public service corporation demanding and receiving a deposit of money from any consumer shall pay annually to such consumer interest on such amount so long as it remains on deposit at the rate of 8 per cent per annum.

Sec. 5524. Unlawful to use condemned appliances.—It shall be unlawful for any person, firm, or corporation to use any water, electric, or gas meter which shall have been tested and condemned by the State inspector or city sealer of weights and measures, for the purpose of measuring water, electricity, or gas, without first having had the same corrected and made to record the measurement of the same accurately.

Sec. 5525. Meter readings to be filed with city sealer.—In cities having a sealer of weights and measures, where water, illuminating gas, or electrical energy is or shall hereafter be sold, every person, firm, or corporation furnishing such water, gas, or electricity, shall file at the office of the city sealer a complete written list of the readings of all water, gas, or electric meters, together with the individual meter numbers, and the address of the premises upon which such meter is located, upon the day such readings are made.

Sec. 5526. Fee for testing meter.—The fee for making the test of any water, gas, or electric meter shall be the sum of one dollar, and shall in all cases be advanced and paid by the party demanding the test, but in case the meter be one already in use and be found to be measuring too fast by as much as three per centum the inspector or sealer shall return the fee to the consumer if same was advanced by him, and the same shall be and become a lawful charge against the furnisher, and the inspector or sealer shall collect the fee from the said furnisher of water, gas, or electricity.

Sec. 5527. Penalty.—Any person, firm, or corporation, or any agent or employee thereof, violating any of the provisions of the five preceding sections shall, upon conviction thereof, be punished by a fine of not less than ten dollars, nor more than two hundred and fifty dollars, or by imprisonment in the county jail for not less than one day nor more than ninety days, or by both such fine and imprisonment.

Sec. 5528. Each day's violation separate offense.—The continuance of such violation from day to day shall be deemed a separate offense as to each day on which such violation is continued.

Sec. 5529. Inspectors under control of corporation commission.—Such State inspector and city sealer of weights and measures shall be under the direction and control of the corporation commission in all functions connected with the inspection of water, gas, and electric meters, as herein provided.

Sec. 5530. Penalty for obstructing inspector.—Any person who shall hinder or obstruct in any way the said State inspector, or any city sealer of weights and measures, in the performance of his duty,

shall be guilty of a misdemeanor, and shall be punished upon conviction thereof in any court of competent jurisdiction, by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

Sec. 5531. Penalty for impersonating inspector.—Any person who shall impersonate in any way said State inspector, or any city sealer of weights and measures, by use of his seal, or counterfeit of his seal, or otherwise, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Sec. 5532. Standard of weights and measures.—For weighing grain hay, coal, groceries, and other like heavy articles of commerce, the standard unit of weight shall be the pound avoirdupois, containing 7,000 grains troy; for weighing precious metals and jewels the unit shall be the pound troy, containing 5,760 grains; for weighing goods and medicines when same are used in compound, and filling prescriptions by druggists, the unit shall be the pound apothecary's, containing 5,760 grains troy, but in all other cases, such drugs and medicines shall be sold by avoirdupois weight; for measuring grain, fruit, coal and vegetables, the unit shall be the Winchester bushel, containing 2,150.42 cubic inches; and for measuring all liquids, except ale, beer and such liquids as enter into the composition of medical prescriptions, the unit shall be the wine or liquid gallon, containing 231 cubic inches; the unit for measuring ale and beer shall be the ale or beer gallon, containing 282 cubic inches. Such liquids as are used in the composition of medical prescriptions shall be measured by apothecary's fluid measure. The unit of linear measure shall be the yard, containing thirty-six inches in length, and being identical with the imperial yard of Great Britain.

Sec. 5534. Coal to be sold by weight only; delivery ticket.—It shall be unlawful to sell or offer to sell in this State, any coal in any other manner than by weight. No person, firm, or corporation shall deliver any coal without such delivery being accompanied by a delivery ticket and a duplicate thereof, on each of which shall be in ink or other indelible substance, distinctly expressed in pounds, the gross weight of the load, the tare of the delivery vehicle, quantity or quantities of coal contained in the cart, wagon, vehicle, bag, sack or container used in such deliveries, with the name of the purchaser thereof and the name of the dealer from whom purchased. One of these tickets shall be surrendered to the State inspector or the city sealer of weights and measures, upon his demand, for his inspection; and this ticket, or a weight slip issued by the State inspector or the city sealer, when the State inspector or city sealer desires to retain the original, shall be delivered to the said purchaser of sail coal, or his agent, or his representatives at the time of the delivery of the fuel, and the other ticket shall be retained by the seller of the fuel. When the buyer carries away the purchase a delivery ticket showing the actual number of pounds delivered to the purchaser must be given to the purchaser at the time the sale is made.

Sec. 5535. Bottles for sale of distilled water, milk, and cream; variations and tolerances; how marked; not required to be sealed.—Bottles used for the sale of distilled water, milk, and cream, shall be of the ca-

pacity of one-half gallon, three pints, one quart, one pint, one-half pint, and one gill filled full to the bottom of the lip.

The following variations of individual bottles or jars may be allowed, but the average content of not less than twenty-five bottles selected at random from at least four times the number tested, must not be in error by more than one-fourth of the tolerances:

Six drams above and six drams below on the half gallon; five drams above and five drams below on the three pint; four drams above and four drams below on the quart; three drams above and three drams below on the pint; two drams above and two drams below on the half pint; two drams above and two drams below on the gill.

Bottles or jars used for the sale of distilled water, milk, or cream, shall have clearly blown, or otherwise permanently marked, in the side of the bottles the capacity of the bottles and in the side or bottom of the bottles the name, initials, or trade-mark, of the dealer using the same. Any dealer who uses for the purpose of selling distilled water, milk, or cream, jars or bottles purchased after this law takes effect, that do not comply with the requirements of this section as to marking and capacity, shall be deemed guilty of using a false or insufficient measure. The said State inspector and city sealers of weights and measures, are not required to seal all bottles or jars used for distilled water, milk, or cream, but they shall from time to time make tests of individual bottles used by the various persons, firms, or corporations, in the State over which they have jurisdiction, in order to ascertain whether the above provisions are being complied with.

Sec. 5536. Wood; sale by cord or fractional part only; delivery ticket, requirements for.—It shall be unlawful for any person, firm, or corporation, to sell or offer to sell in the State, any cut or sawed or split wood, in any other manner than by the cord, or fractional part thereof.

Where cut or sawed or split wood is sold by the cord or fractional part thereof, no person, firm, or corporation shall deliver such wood without such delivery being accompanied by a delivery ticket and a duplicate thereof, on each of which shall be in ink, or other indelible substance distinctly expressed in cords or fractional parts thereof, the quantity or quantities of wood contained in the cart, wagon, vehicle, bag, sack, or container, used in such deliveries, with the name of the purchaser thereof and the name of the dealer from whom purchased. One of these tickets shall be surrendered to the State inspector or city sealer of weights and measures, upon his demand, for his inspection, and this ticket or a weight slip issued by the State inspector or city sealer, when the inspector or sealer desires to retain the original, shall be delivered to the said purchaser of said wood, or his agent or representative, at the time of the delivery of the fuel; and the other ticket shall be retained by the seller of the fuel. When the buyer carries away the purchase, a delivery ticket showing the actual number of cords, or fractional part thereof, delivered over to the purchaser must be given to the purchaser at the time the sale is made.

Sec. 5537. Ice, sale by weight.—Every person, firm, or corporation, engaged in the business of selling and distributing ice at retail shall sell same by weight.

Sec. 5538. Hay, how sold; delivery ticket; baled hay, how marked; allowance for shrinkage.—It shall be unlawful to sell or offer to sell in the State any baled hay in any other manner than by weight, except by an agreement between the seller and the purchaser to the contrary. No person, firm or corporation, shall deliver any hay without such delivery being accompanied by a delivery ticket, and a duplicate thereof, on each of which shall be in ink or other indelible substance distinctly expressed in pounds, the gross weight of the load, the tare of the delivery vehicle, the quantity or quantities of hay contained in said cart, wagon or vehicle used in such deliveries, with the name of the purchaser and the name of the dealer from whom purchased: *Provided*, That loose hay in stacks or by wagon load may be sold by measurement, by an agreement between the seller and the purchaser, but when hay is shipped in carloads, it shall not be necessary to stamp, print or mark the weight of the bales.

One of these tickets shall be surrendered to the State inspector or city sealer of weights and measures, upon his demand for his inspection and this ticket or weight slip issued by the State inspector or city sealer, when the inspector or sealer desires to retain the original, shall be delivered to the said purchaser of said hay, or his agent, or representative, at the time of the delivery; and the other ticket shall be retained by the seller of the hay. When the buyer carries away the purchase, a delivery ticket, showing the actual number of pounds delivered over to the purchaser, must be given to the purchaser at the time the sale is made.

Where hay is sold in bales, each of such bales shall have printed or stamped or marked thereon the correct weight of such bale in pounds or fractions of a pound avoirdupois; and it shall be unlawful for any person, firm, or corporation, and for any agent or employee thereof, to sell or offer for sale any such bale of hay on which the correct weight of such bale of hay has not been stamped, printed or marked: *Provided, however*, That an allowance of three per cent in weight for shrinkage shall be made on all bales of hay less than six months old, and of five per cent on all bales of hay over six months old, if the age of such bale of hay be marked, printed or stamped thereon.

Sec. 5539. Meats, sale by weight only; delivery ticket.—It shall be unlawful to sell or offer to sell in the State any fresh meat, such as beef, pork, mutton, veal, sausage or fish, in any other manner than by weight. No person, firm, or corporation, shall deliver such fresh meat without such delivery being accompanied by a delivery ticket on which shall be in ink or other indelible substance, distinctly expressed in pounds or fractions of a pound avoirdupois, the correct weight of such fresh meat, with the name of the purchaser thereof and the name of the dealer from whom purchased. When the buyer carries away the purchase, a delivery ticket showing the actual number of pounds or fractional parts thereof delivered over to the purchaser must be given to the purchaser at the time the sale is made.

Sec. 5540. Butter, how sold and marked; allowance for shrinkage.—Where butter is sold in packages or cartons, such package or carton shall have written, printed or stamped upon the wrapper of such package or carton, or upon the package or carton, the correct weight of the contents of such package or carton, in pounds and ounces, or fractions of a pound avoirdupois, and it shall be unlawful for

any person, firm, or corporation, or for any agent or employee thereof, to sell or offer for sale any such package or carton of butter upon the wrapper of which the correct weight of the contents of such package or carton has not been written, printed or stamped: *Provided, however*, That an allowance of not exceeding two and one-half per cent in weight shall be made for shrinkage on all packages or cartons of butter.

Sec. 5541. Coffee, tea, and cereals, how marked when sold in packages.—Where coffee, tea, baking powder, oatmeal, tapioca and all cereals and farinaceous goods are sold in packages or containers, each of such packages or containers shall have written, printed or stamped upon the wrapper of such package or container, or upon the package or container, the correct weight of the contents of such package or container, in pounds and ounces or fractions of a pound avoidupois, and it shall be unlawful for any person, firm or corporation, or for any agent or employee thereof, to sell or offer for sale any such package or container of coffee, tea, baking powder, oatmeal, tapioca and all cereals and farinaceous goods of which the correct weight of the contents of such package or container has not been written, printed or stamped.

Sec. 5542. Flour, etc., how marked as to weight; allowance for shrinkage.—Where wheat flour, buckwheat flour, corn meal, rice, beans, sugar, barley, bran, wheat, oats, corn, potatoes, onions, seed, ham, or bacon are sold in bags, sacks or other containers, each of such bags, sacks, or other containers, shall have written, printed, or stamped upon the wrapper of such bag, sack, or other container, or upon the bag, sack or other container, the correct weight of the contents of such bag, sack or other container, in pounds and ounces, or fractions of a pound avoirdupois; and it shall be unlawful for any person, firm or corporation, or for any agent or employee thereof, to sell or offer for sale any such bag, sack, or other container, of wheat flour, buckwheat flour, corn meal, rice, sugar, barley, bran, wheat, oats, corn, potatoes, onions, seed, ham or bacon upon the wrapper, or upon the bag, sack, or other container, of which the correct weight of the contents of such bag, sack, or other container has not been written, printed, or stamped: *Provided, however*, That an allowance of not exceeding two and a half per cent shall be made for shrinkage on all such bags, sacks or other containers of wheat flour, buckwheat flour, corn meal, rice, beans, sugar, barley, bran, wheat, oats, corn, potatoes, onions, seed, ham, or bacon.

Sec. 5543. Lard, how marked as to weight.—Where lard, lard compounds or lard substitutes are sold in cans or other container each of such cans or other container shall have written, printed, or stamped upon the wrapper of such can or other container, or upon the can or other container, the correct weight of the contents of such can or other container in pounds and ounces, or fractions of a pound avoirdupois; and it shall be unlawful for any person, firm or corporation, or for any agent or employee thereof, to sell or offer for sale, any such can or other container on which the correct weight of the contents of the can or other container has not been written, printed or stamped.

Sec. 5544. Vinegar and oils, how marked as to quantity.—Where vinegar, sweet oil, or olive oil, is sold in bottles or cans, each of such bot-

tles or cans shall have written, printed, or stamped upon the wrapper of such bottle or can, or upon the bottle or can, the correct quantity of the contents of such bottle or can in gallons, quarts, pints, or gills, or fractional parts thereof; and it shall be unlawful for any person, firm, or corporation, or for any agent or employee thereof, to sell or offer for sale any such bottle or can of vinegar, sweet oil, or olive oil, upon the wrapper, bottle, or can, of which the correct quantity of the contents of such bottle or can has not been written, printed, or stamped.

Sec. 5545. Crackers, dried fruits, how marked as to weight.—Where soda crackers or dried fruits are sold in boxes or other containers, each of such boxes or other containers shall have written, printed, or stamped upon the wrapper of such box or other container, or upon the box or other container, the correct weight of the contents of such box or other container in pounds or ounces, and in fractions of a pound avoirdupois, and it shall be unlawful for any person, firm, or corporation, or any agent or employee thereof, to sell or offer for sale any such box or container or [of] soda crackers or dried fruits, upon the wrapper, box, or other container of which the correct weight of the contents of such box or other container has not been written, printed or stamped.

Sec. 5546. Penalty.—Any person, firm, or corporation, that violates any of the provisions of the fourteen preceding sections shall be deemed guilty of a misdemeanor, and shall be punished, upon conviction thereof, by a fine, where such is not hereinbefore provided, of not less than five dollars nor more than two hundred and fifty dollars.

Laws, 1925, ch. 13, p. 30.

Sec. 4. Weight of loaves.—Any loaf of bread made or procured for the purpose of sale, sold, offered or exposed for sale, as fresh bread, within the State of Arizona, shall be of the following standard weights: One pound; one and one-half pounds; two pounds; three pounds, or other multiples of one pound. Such weights shall be determined by the average of not less than twenty loaves of one unit, of one kind of bread, weighed with or without wrappers, not less than twelve hours after baking. When twin or multiple loaves are wrapped at the place where baked, or sold to the consumer wrapped and undivided, the loaf must conform to the said weight requirements, and if any such twin or multiple loaf is unwrapped or divided prior to sale, each such unit must conform to the said weight requirements. A twin or multiple loaf is hereby defined as a loaf consisting of two or more portions of dough baked in one pan.

Sec. 5. Tolerances.—A commercial tolerance in excess of the standard weights established by this act shall be allowed as follows: One ounce on one pound loaves; one and one-half ounces on one and one-half pound loaves; two ounces on loaves weighing two pounds or more. No tolerance below the standard weights hereby established shall be allowed.

Sec. 6. Enforcement.—The State inspector of weights and measures shall have full authority to enforce the provisions of this act, and in cities having a city sealer of weights and measures, under the provisions of Title 56, Revised Statutes of Arizona, 1913, Civil Code, said city sealer of weights and measures shall have concurrent jurisdiction. The said State inspector of weights and measures, or any

city sealer of weights and measures, may for the purpose of the enforcement of this act, and at such time or times as its provisions may require, enter any room or place where bread is manufactured or sold, or offered or exposed for sale, and weigh or direct the weighing of any bread found therein.

Sec. 7. Interference in performance of duties.—It shall be unlawful for any person to prevent, or attempt to prevent, said State inspector of weights and measures, or any city sealer of weights and measures, entering any such room or place, or in any way to interfere with the performance of the duties of said State inspector of weights and measures, or of said city sealer of weights and measures, as provided by this act.

Sec. 8. Weighing of bread.—Every maker, baker or manufacturer of bread, proprietor of a bakery, or bake shop, and every seller of bread in the State of Arizona shall keep scales and weights, suitable for the weighing of bread, in a conspicuous place in the bakery, bake shop or store, and shall, wherever requested by the buyer and in the buyer's presence, weigh any loaf or loaves of bread sold or offered for sale.

Sec. 9. Provisions not applicable.—The provisions of this act shall not apply to fancy breads; nor to bread baked by special order of the consumer; nor to what is commonly known as "stale bread" sold as such, provided the seller shall at the time of sale expressly state to the buyer that the bread so sold is stale bread; and, provided further, that no bread shall be offered or sold as stale bread until twelve hours or more after baking.

Sec. 10. Violation.—Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor.

Rev. Stats., 1913, Penal Code, p. 84.

Sec. 388°. Falsifying weight of packages; penalty for.—Every person who in putting up in any bag, bale, box, or barrel, or other package, any hops, cotton, wool, grain, hay, or other goods usually sold in bags, bales, boxes, barrels or packages by weight, puts in or conceals therein anything whatever, for the purpose of increasing the weight of such bag, bale, box, barrel or packages, with intent thereby to sell the goods therein, or to enable another to sell the same, for an increased weight, is punishable by fine of not less than twenty-five dollars for each offense.

Rev. Stats., 1913, Title 41, ch. 3, p. 1442.

Sec. 4434 (1913). Food deemed misbranded or mislabeled, when.—Food or liquor shall be deemed mislabeled or misbranded within the meaning of this chapter in any of the following cases: * * *

(3) If when in package, and the contents are stated in terms of weight and measure, such weight and measure are not plainly and correctly stated on the outside of the package.

Laws, 1918, ch. 8, p. 16.

Sec. 14, as amended by Laws, 1925, ch. 74, p. 210; testing, weighing, and sampling milk or cream.—The testing, weighing, and sampling of milk or cream or other dairy products purchased on the basis of the amount of butter fat contained therein shall be done by licensed and bonded testers, who shall be responsible for the operation of the Babcock test in the testing of such dairy products. Such

license shall be issued by the dairy commissioner upon application, accompanied by a certificate of proficiency and the payment of a license fee of $1.50. The certificate of proficiency provided for shall be granted by the dairy division of the University of Arizona upon satisfactory evidence of ability to accurately operate the Babcock test. Examinations will be given at stated times and places to applicants for such license. Each license shall expire on January first of the year following the date of issue, but may be renewed without examination by the commissioner. Application for such license shall be made upon a blank furnished by the dairy commissioner. No license or renewal thereof shall be transferable, and each such license shall be subject to revocation by the dairy commissioner upon reasonable notice that the licensee has violated any of the rules and regulations prescribed by the commissioner, or has violated any of the laws of the State relating to milk or cream or other dairy products. A bond in the amount of one thousand dollars shall be given by each tester licensed under the provisions of this section, and shall be in such form as may be prescribed and shall be subject to approval by the commissioner.

A permanent record in duplicate of all tests of milk or cream purchased or received on the basis of the amount of milk fat contained therein, must be kept by each tester, licensed as provided herein, on standard forms supplied by, or in accordance with the specifications for such records adopted by, the said dairy commissioner. Each test shall be legibly recorded with indelible pencil or ink and shall be accompanied by the patron's name or number in such manner as to correctly identify the test obtained upon the milk or cream of each patron. Each sheet or page shall be authenticated by the signature of the tester, and a duplicate record shall be deposited by said licensed tester, immediately after completing the test on the day's samples, in a box provided by the purchaser or receiver of milk or cream; said box to be constructed, sealed and maintained in accordance with the rules and regulations adopted by the dairy commissioner. The original test record sheets shall be delivered to the management of the concern for whom the tests are made immediately upon completion of the tests. The duplicate test record sheets shall be deposited immediately in an official box supplied for the purpose, made in accordance with blue print specifications obtained from the dairy commissioner. Such official test record box shall be kept in the test room at all times, and the contents thereof shall be open only to the State dairy commissioner. The said licensed tester shall retain an unmodified sample of all milk and cream tested by him for a period of not less than forty-eight hours after the tests of said milk and cream have been made, and the said purchaser or receiver of milk or cream shall provide a suitable place, acceptable to the diary commissioner, where such samples so retained may be kept.

Sec. 16. Fraudulent manipulation of apparatus.—It shall be unlawful for any hauler of milk or cream or any other dairy product, or any person, firm or corporation receiving or purchasing milk or cream or other dairy product by weight or test or both, or by measure or test, or by both, or any agent of such purchaser, to fraudulently manipulate the weight, measure or test of such product, or to take

unfair samples thereof, or to fraudulently manipulate such samples. The hauler or other agent of the purchaser shall thoroughly mix the milk or cream of each patron by pouring or stirring until such milk or cream is uniform and homogenous in quality and contents before a sample for test is taken. The same rule shall apply when sampling is done at a creamery, cheese factory, condensary or shipping station. It shall be unlawful for any person or persons to use any test tube, bottle, pipette or instrument in connection with testing which is not perfectly clean; and for the purpose of this act any unclean test bottle or other instrument is declared inaccurate. All tests made by the purchaser shall be maintained at a temperature of at least one hundred and twenty degrees Fahrenheit for ten minutes before the reading of the per cent of butter fat is made.

Sec. 17. Specifications for Babcock glassware.—The term "standard Babcock testing glassware" shall apply to glassware and weights complying to the following specifications:

(*a*) STANDARD MILK TEST BOTTLES.—*Graduation for milk test bottles.*—The total per cent graduation shall be eight. The graduated portion of the neck shall have a length of not less than 63.5 millimeters, the graduation shall represent whole per cent, five-tenths per cent, and tenths per cent; the whole per cent graduation shall extend at least one-half way around the neck to the right and projecting two millimeters to the left of the tenths per cent graduations. Each per cent graduation shall be numbered; the number being placed on the left of the scale. The error at any point of the scale shall not exceed one-tenth per cent.

Neck.—The neck shall be cylindrical and the cylindrical shape shall extend for at least nine millimeters below the lowest and nine millimeters above the highest graduation mark. The top of the neck shall be flared to a diameter of not less than ten millimeters.

Bulb.—The capacity of the bulb up to the junction of the neck shall not be less than forty-five cubic centimeters. The charge of the bottle shall be eighteen grams. The total height of the bottle shall be between one hundred and fifty and one hundred and sixty-five millimeters.

(*b*) STANDARD CREAM TEST BOTTLES.—Three types of bottles shall be accepted as standard cream test bottles; a fifty per cent nine-gram short-neck bottle, a fifty per cent nine-gram long-neck bottle, a fifty per cent eighteen-gram long-neck bottle.

Fifty per cent nine-gram short-neck bottle graduation.—The total per cent of graduation shall be fifty. The graduated portion of the neck shall have a length of not less than 63.5 millimeters. The graduation shall represent five per cent, one per cent, and five-tenths per cent. The five per cent graduation shall extend at least halfway around the neck to the right. The five-tenths per cent graduations shall be at least three millimeters in length, and the one per cent graduations shall have a length intermediate between the five per cent and the five-tenths per cent graduations. Each five per cent graduation shall be numbered, the number being placed on the scale. The error at any point of the scale shall not exceed five-tenths per cent.

Neck.—The neck shall be cylindrical, and the cylindrical shape shall extend at least nine millimeters below the lowest and nine millimeters above the highest graduation mark. The top of the neck shall be flared to a diameter of not less than ten millimeters.

Bulb.—The capacity of the bulb up to the junction of the neck shall not be less than forty-five cubic centimeters. The charge of the bottle shall be nine grams. All bottles shall bear on the top of the neck above the graduations in plainly legible characters, a mark defining the weight of the charge to be used, nine grams. The total height of the bottle shall be between one hundred and fifty and one hundred and sixty-five millimeters, same as standard milk test bottles.

Fifty per cent nine-gram long-neck bottles.—The same specifications in every detail as specified for the fifty per cent nine-gram short-neck bottle shall apply for the long-neck bottle, with the exception, however, that the total height of this bottle shall be between two hundred and ten and two hundred and thirty-four millimeters, and that the total length of the graduation shall be not less than one hundred and twenty millimeters.

Fifty per cent eighteen-gram long-neck bottles.—The same specifications in every detail as specified for the fifty per cent nine-gram long-neck bottle shall apply, with the exception that the charge of the bottle shall be eighteen grams, and the mark defining the weight of the charge placed at the top of the neck shall be eighteen. The total length of the standard Babcock pipette shall be not more than three hundred and thirty millimeters. Outside diameter of suction tube, six to eight millimeters. Length of suction tube, one hundred and thirty millimeters. Outside diameter of delivery tube, 4.5 to 5.5 millimeters. The length of delivery tube, one hundred to one hundred and twenty millimeters. Distance of graduation mark above bulb, thirty to sixty millimeters. Nozzle straight. Delivery, 17.6 cubic centimeters of water at twenty degrees centigrade in five to eight seconds. The sensibility of all scales used for weighing cream samples into the test bottles shall not be more than thirty milligrams, and the standard weights shall be nine grams and eighteen grams.

ARKANSAS

Digest of the Statutes, Crawford and Moses, 1921, ch. 184, p. 2694.

Sec. 10475 (1859). Standards; custody; county officers; sets to be furnished.—The set of weights and measures prepared by the United States under the act of Congress, approved the fourteenth day of June, A. D. 1836, and delivered to the Governor of the State of Arkansas, and now deposited in the office of secretary of state, shall be and the same is hereby declared to be the standard of all weights and measures used in this State, and the clerk of the county court of each county in this State shall procure, as soon as practicable, at the expense of the county, a complete set of weights and measures, which shall conform to said standard, and shall be sealed by the secretary of state.

Sec. 10476. State sealing.—The secretary of state shall procure a seal or stamp, with the letters "S. A." upon it, with which he shall seal all weights and measures which he shall compare with the said standard in his office and find to be correct; and such weights and measures, after being so sealed, shall be a lawful standard for the county by which they were procured; and the secretary of state shall charge the sum of four dollars for testing and sealing such weights and measures.

Sec. 10477. County sealing.—The several clerks of the county courts shall seal all weights and measures that may be presented to them for that purpose which correspond with the county standard.

Sec. 10478 (1885). Standard barrel.—Whenever, in any contract for the repair or construction of any cistern in this State, the capacity of which is represented in barrels, there is no other specification of the holding capacity of said barrels, the term "barrel" shall be taken and held, in law, as meaning and intending a holding capacity which is the exact equivalent of the cubical contents of thirty-six times that of the standard gallon measure of the United States, now in use, and kept, as required by law, in the office of the secretary of state of Arkansas.

Sec. 10479 (1903). Bushel measure for apples.—A box nine inches deep, twelve inches wide and twenty inches long shall constitute a lawful bushel measure for apples. Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than ten nor more than twenty-five dollars for each offense.

Sec. 10480 (1887). Legal weight of bushel of certain commodities.

The legal weight per bushel of[1]—	Pounds	The legal weight per bushel of— Continued.	Pounds
Corn, shelled	56	Cottonseed	33⅓
Corn, in ear, husked	70	Corn meal	48
Corn, in ear, unhusked	74	Barley	48
Wheat	60	Rye	56
Oats	32		

[1] For convenience in printing a slight change has been made in arrangement of these articles.

The legal weight per bushel of—	Pounds
Continued.	
Potatoes	60
Potatoes, sweet	50
Onions	57
White beans	60
Peas	60
Flax seed	56
Blue-grass seed	14
Clover seed	60
Timothy seed	60
Millet seed	50
Buckwheat	52
Red top	14
Orchard grass	14
Sorghum	50
Green apples	50
Dried apples	24
Dried peaches	33
Bran	20
Salt	50
Turnips	57
Broomcorn seed	48
Johnson grass	28

Sec. 10481 (1901). Log measurement; penalty.—The Doyle stick or standard of log measurement is hereby declared to be the standard by which all saw logs bought, sold, cut or hauled in this State shall be scaled or estimated, and any person or persons buying, selling, cutting or hauling saw logs within the limits of this State, who shall use or attempt to use any combination stick, or any other stick or standard than that mentioned in this section for the purpose of scaling, or estimating the number of feet in such logs sold, bought, cut or hauled, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars nor more than two hundred dollars for each offense, to be assessed by the jury trying the case, and to be collected and appropriated as other public fines, provided that in scaling logs under this act, the average diameter inside the bark shall be taken.

Sec. 10482 (1913). County clerks required to test and seal weights and measures.—The county clerks of all and every county in the State are hereby directed and required to comply with the law as directed in sections 10475 to 10477, and be prepared at all times to test and seal all scales and measures presented for test and found correct.

Sec. 10483. Neglect or failure a misdemeanor; fees.—Neglect or failure from any cause to comply with section 10482 shall constitute a misdemeanor and subject the clerk so offending same to a fine of one dollar for each day he fails to be prepared with his tests and seal. The clerk shall receive the sum of ten cents for each pair of scales or measures presented to him for test, to be paid by the person, firm or corporation presenting same and five cents per mile one way for traveling to wagon scales and twenty-five cents for sealing them, to be paid by the owners.

Sec. 10484. Dealers to have scales tested, when.—Every person, firm or corporation who buy and sell any kind of goods, produce, cotton, cottonseed, hay, feedstuffs and all kinds of merchandise, usually bought and sold, shall have their scales and measures tested and sealed on or before the first day of September and each year thereafter. Failure to comply with the provisions of this section shall constitute a misdemeanor and shall subject the individual, firm or corporation to a fine of one dollar for each day so offending.

Sec. 10485. Township constables and city marshals to inspect weights and measures.—It shall be the duty of the constable of every township and of the marshal of every city or town where complaint be made to him by three or more citizens to inspect any scales, weights and measures used for weighing or measuring any kind of goods or pro-

duce or commercial substances, and such offices shall make an annual inspection of all such weights, measures and scales, and if at any time he finds any such scales, weights and measures do not conform to the lawful standard, he shall cause the person, firm or corporation using same to be prosecuted therefor and one-half of any fine assessed therefor shall be paid to said officer.

Sec. 10486. Packages or bundles, etc., of merchandise to contain marked weight.—Every package, bag or bundle of goods or merchandise shall contain in weight what it is branded, marked or said to contain. And any person, firm or corporation violating the provisions of section 10487 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one dollar nor more than twenty-five dollars for each package, bag or bundle sold in violation of this law.

Sec. 10487 (1905). True net weight to be stamped on barrels, sacks, and other packages.—It shall be unlawful for any corporation, firm, manufacturer, merchant or other dealer, their agent or employees, to sell, or offer for sale, any grain, chops, bran, fertilizer, meal, or flour in sacks, barrels or other packages, unless the true weight of such grain, chops, bran, fertilizer, meal, or flour be stamped or marked upon the sacks, barrels, or other packages.

Sec. 10488. Violation; penalty.—Any corporation, shipper, manufacturer, merchant or other dealer, their agents or employees, who shall violate the provisions of section 10487, shall be deemed guilty of a misdemeanor, and, upon conviction before any justice of the peace or circuit court, shall be fined in any sum not less than twenty dollars, and every such sack, barrel, or other package of such grain, chops, bran, fertilizer, meal or flour offered for sale in violation of this act shall constitute a separate offense.

Sec. 10489 (1911). False weight or measure, penalty for giving.—Whoever knowingly buys or sells or permits any person in his employ to buy or sell any property and make or give any false or short weight or measure and any person owning or having charge of any scales fixed for the purpose of misweighing any article bought or sold and any person having any such scales for the purpose of weighing any property and who knowingly reports any false or untrue weight and any firm or corporation using (in the sale of any commodity), a computing scale or device indicating the weight and price of such commodity upon which scales or device the graduation or indication are [is] false or inaccurately placed, either as to weight or price, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars, nor more than one hundred dollars and each sale made on any such scale or device shall constitute a separate offense.

Sec. 10490. Fruit or other merchantable commodity, penalty for fraudulently packing.—Any person who shall pack any fruit, or other merchantable commodity, with the fraudulent intent of thereby cheating others by a misrepresentation of the contents, either as to quality or quantity, shall, on conviction thereof, be punished by a fine, not exceeding five hundred dollars, or by imprisonment at hard labor, not exceeding one year, or both.

Sec. 10491. Selling fraudulently packed commodities.—Any person who shall sell, pledge or hypothecate any such commodity, knowing

the same to be packed in the fraudulent manner aforesaid, with the intent to cheat and deceive shall on conviction thereof be punished as provided in section 10489.

Digest of the Statutes, Crawford and Moses, 1921, ch. 69, p. 1306.

Sec. 4823 (1907). Food, misbranding of; net weight to be correctly stated, when.—That for the purpose of this act an article shall also be deemed to be misbranded. * * * In the case of food * * *

Third. If any in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of package * * *.

Acts, 1925, Act 218, p. 639.

Sec. 3. Board may fix and promulgate grades and containers.—In order to promote, protect, further and develop the agricultural interests of this State, the State plant board is hereby authorized and empowered after investigation and public hearing to fix and promulgate official standards for grading and classifying any or all agricultural products grown or produced in this State and to fix and promulgate official standards for containers of farm products and to change any of them from time to time. The board in its rules, regulations or notices promulgated pursuant to this act shall prescribe such tolerances as may be deemed necessary, permitting such variations from the standards fixed under the provisions of this act as are reasonably incident to the proper grading of agricultural products or to the manufacture of containers for such products.

Sec. 4. Public notices.—In promulgating the standards or any alterations or modifications of such standards the board shall specify the date or dates when the same shall become effective and shall give public notice not less than thirty days in advance of the date when the standard for any agricultural product shall become effective and one year in advance of the date when a standard for any container shall become effective by such means as the board deems proper, and the chief inspector is hereby authorized and empowered to employ reasonable methods for diffusing information concerning the standard that may be fixed by the board for any agricultural product or container.

Sec. 5. May cooperate with U. S. Department of Agriculture.—The board is authorized to fix and promulgate as the official standard for this State for any agricultural product or container the standard for such product or container which may have been promulgated or announced therefor under the authority of the Congress of the United States and in carrying out the provisions of this act the chief inspector is authorized to cooperate with the United States or any department thereof in accomplishing the matters and things provided for herein.

Sec. 14. Standard containers must conform to board's specifications.—Whenever any standard for a container for an agricultural product becomes effective under this act, no person shall thereafter manufacture for commerce within the jurisdiction of this State or sell, ship or offer for sale in such commerce any container, either filled or unfilled, to which the standard is applicable which does not comply with such standard subject to such tolerance as may be permitted under this act.

Sec. 18. Authority of inspectors.—For the purpose of carrying out the provisions and requirements of this act and of the rules, regulations and notices made and promulgated pursuant thereto, the board and its inspectors shall have power to enter into or upon any places and to open any bundle, package or container of agricultural products.

Digest of the Statutes, Crawford and Moses, 1921, ch. 22, p. 417.

Sec. 927 (1907). Track scales; certificate of weighman.—All railroads operating in this State are hereby required to keep and maintain track or railroad scales at all stations or depots where as many as one hundred cars of coal, corn or cotton seed are received annually by such railroad; and said railroads are hereby required at the request of the consignee of a carload of coal to properly weigh each and every such car after the same shall reach its destination and furnish to each such consignee, upon request, by a written certificate of weighman, within one day after such car shall have reached its destination, correct weight of each carload of coal received for such consignee. And no consignee shall be required to pay any freight or either railroad charge until furnished as aforesaid with said weights, nor pay any greater amount of freight than is shown by such certificate.

Sec. 928. Penalty.—Any railroad in this State failing or refusing to comply with any of the preceding sections shall be subject to a penalty of not less than one hundred nor more than five hundred dollars, to be paid to the county in which such point of destination lies, for every failure or refusal to comply with the provisions of this act; and each day upon which it may refuse or fail to comply with this act shall constitute a separate offense.

Sec. 929 (1903). Railroad cars to be weighed, when; certificate of weight.—At all such stations it shall be the duty of the railroad company to properly weigh each and every car after the same shall have been loaded and furnish to each shipper by written certificate of weighman within one day after the same shall have been received by said company, correct weights of each car and of the contents of each car delivered to them by the shipper. The certificate of weight to be given to shippers as provided in this section shall contain, in addition to the correct weight of the car and its contents, the date of delivery and the number of the car.

Sec. 930. Penalty.—Any railroad in this State failing or refusing to comply with any of the provisions of the preceding section shall be subject to a penalty of one hundred dollars, to be paid to the county, for every failure or refusal, and each day upon which it may refuse or fail to comply with this act shall constitute a separate offense.

Digest of the Statutes, Crawford and Moses, 1921, ch. 120, p. 1888.

Sec. 7246 (1895). Measures and toll dishes.—There shall always be kept in a public mill, by the owner or occupier thereof, an accurate half-bushel measure and an accurate set of toll dishes.

Digest of the Statutes, Crawford and Moses. 1921, ch. 61, p. 1234.

Sec. 4534 (1911). Weight to be marked on concentrated commercial feeding stuffs; weight of packages.—Every lot or parcel of concentrated commercial feeding stuff sold, offered or exposed for sale in

this State shall have affixed thereto, or printed thereon in a conspicuous place on the outside thereof a legible and plainly printed statement, in the English language, clearly and truly certifying the weight of the package (*provided*, that all concentrated commercial feeding stuffs shall be in standard weight bags or packages of 5, 10, 25, 50, 75, 100, 125, 150, 175, 200 pounds); the name, brand or trade mark under which the article is sold; the name and address of the manufacturer, jobber or importer; * * *

Sec. 4535. Definition.—The term "concentrated commercial feeding stuffs" shall be held to include all feeds used for live stock and poultry, except whole hays, straws and corn stover when the same are not mixed with other materials; nor shall it apply to the unmixed whole seeds or grains of cereals when not mixed with other materials.

Digest of the Statutes, 1921, Crawford and Moses, ch. 66, p. 1285.

Sec. 4723, as amended by Acts, 1921, Act. 199, p. 154. Weight, name, etc., to be marked on cottonseed meal, fertilizers, etc.—All persons, companies, manufacturers, dealers or agents, before selling or offering for sale in this State, any cottonseed meal, commercial fertilizer or fertilizer materials, shall attach a tag to each bag, barrel or package bearing the name and address of the manufacturer, and the guaranteed analysis of the cottonseed meal or fertilizer. These items shall be printed on each tag in the following order: First, weight of package in pounds; second, brand, name or trade-mark; * * *

Sec. 4740 (1913). Penalty.—Any person selling or offering for sale any cottonseed meal, fertilizer or fertilizer materials without first having complied with the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than one hundred nor more than five hundred dollars.

Digest of the Statutes, Crawford and Moses, 1921, ch. 182, p. 2671.

Sec. 10446 (1919). Baling of cotton.—All cotton ginned and baled by a public gin shall be baled in a press box not exceeding twenty-seven by fifty-four inches, inside measurement, and shall be wrapped with sound standard bagging, not to exceed seven yards per bale. * * *

Sec. 10450. Standard of weights and measures.—The standards of weights and measures of this State shall be the standard of weights and measures used under the terms and provisions of this act [relating to public cotton gins] * * *.

Digest of the Statutes, Crawford and Moses, 1921, ch. 43, p. 756.

Sec. 2442 (1891). Scalage.—It shall be unlawful for any person who weighs cotton in the State of Arkansas to take off anything for scalage.

Sec. 2443. Penalty.—Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than five nor more than twenty-five dollars.

Sec. 2444 (1895). Fee for weighing.—It shall be unlawful for any person, corporation or warehouseman doing business in this State to charge more than ten cents per bale for weighing, sampling and

marking cotton. Any persons, corporation or warehouseman violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than ten nor more than twenty-five dollars.

Sec. 2445 (1899). Fees for weighing cotton.—It shall be unlawful for any person or persons, weighing cotton for or by the authority of any city of the first or second class or incorporated towns, to charge more than five cents per bale during the months of October, November, December, and January, and ten cents for and during the remaining months of each year for weighing and marking cotton Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten nor more than twenty-five dollars.

Sec. 2446 (1901). Public cotton weighers required to keep record.—All persons weighing cotton for the public, in this State, and receiving compensation therefor, shall be required to keep a book, or record of all cotton weighed by them, giving the weight and marks of each bale, and for whom weighed, and to whom sold, where the purchaser is known to the weigher, which book or record shall be kept subject to inspection by the public. Any such weigher who shall refuse to keep such books, or records, or who shall, on demand of any person, fail or refuse to exhibit the same, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars nor more than one hundred dollars.

Acts, 1907; Act. 196, p. 468.

Sec. 1. Public ginners.—That each and every person, individual, firm or corporation, who maintain and operate a ginnery for the purpose of ginning, packing, and baling cotton are hereby declared to be a public ginner, and a public and lawful weigher of cotton in his county. * * *

Sec. 2. Public ginners required to keep accurate scales and records; weight to be stamped on bale; fees; certificate.—It is hereby made the duty of each public ginner to keep an accurate pair of scales and correctly weigh each bale of cotton ginned and baled by him, or caused to be ginned and baled by him, as soon as taken from the press. And he shall keep in a book, to be provided by him, a record of the number of the bales ginned and packed by him, the date each bale was ginned and packed and the name of the owner thereof.

And he shall plainly and securely place upon, or attach to, each bale of cotton so ginned and baled by him, by stamp, tag or otherwise, the number and weight thereof.

He shall be allowed to charge five cents for weighing each bale of cotton so ginned by him. And he shall give to each owner or person for whom he may gin and bale cotton a certificate showing the number and weight of each bale of cotton and the date of ginning.

Sec. 3. County clerk required to test scales.—It shall be the duty of the county clerk to cause to be tested by the standard or test furnished to each county clerk, the scales of each public ginner in his county once a year or as much oftener as may be necessary.

Sec. 4. Inaccurate or false weighing; misdemeanor.—That if any ginner, his agent or employee, knowingly weigh any bale of cotton inaccurately, or falsely weigh same, he shall be guilty of a misdemeanor.

Sec. 5. Violation; penalty; proviso.—Any person who shall violate any provision of this act, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than ten dollars nor more than twenty-five dollars.

Provided, the provisions of this bill shall apply only [to] the counties of Bradley, Drew, Ashley, Nevada, Woodruff, Lincoln, and Chicot.

Acts, 1915; Act 236, p. 874.

Sec. 1. Provides for the election of county court weigher in certain counties.—That at the next general election for State and county officers, and every two years thereafter, there shall be elected, in the same manner and under the same restrictions as is provided by law for the election of other county officials, a county cotton weigher for each of the counties of Howard, Columbia, Polk, Montgomery, Nevada, White, and Scott, who shall hold their respective offices for the term of two years, or until their respective successors shall have been elected and qualified: *Provided*, That the law now in force in Columbia County shall remain in full force and effect in Columbia County.

Sec. 3. Deputy may be appointed, if necessary.—Any county cotton weigher elected under this act shall have the power and shall be required, upon the written application of a majority of the qualified electors of any political township in which is situated any town or village in which enough cotton is sold to pay the wages of a competent deputy, to appoint such deputy and to require of him a good and sufficient bond, conditioned upon the faithful performance of his duties as such deputy, and for the protection of himself for any loss he may sustain by the action of such deputy, and the said deputy shall receive for his services the same compensation as is provided in this act for the compensation of the services of the said county cotton weigher.

Sec. 4. Duties of cotton weigher.—When any cotton weigher is elected under this act, or any deputy appointed, he shall prepare a convenient place, easy of access to the public for the performance of his duties, and he shall keep a pair of scales, which shall be tested as is now provided by law, and shall weigh without unnecessary delay all cotton sold or marketed at his place of business; and when the buyer or seller shall demand the weight of any cottonseed, grain, cattle, hogs, sheep, cotton on the seed, coal or any other articles of produce sold in the city, town or village where he keeps the scales and presented to him to be weighed, he shall weigh the same and shall receive therefor, as compensation for his services, the amounts hereafter provided by this act: *Provided*, *however*, That until the secretary of state procures the tests and weights as provided for by section 8004, of Kirby's Digest [sec. 10476], the said cotton weigher or his deputy shall be allowed to use scales which have been tested by the county clerk of the county in which his county is located, and which said scales have been found to be correct by the county clerk of said county, according to the tests and weights in his office, and it shall be the duty of the county clerk to test the scales of all cotton weighers and deputies in his county, on or before the first day of August of each year, and if said scales are found to be correct ac-

cording to the weights and tests in his said office, he shall issue a certificate to the said cotton weigher, or his deputy, and the said certificate, when so issued, shall entitle the said cotton weigher, or his deputies to weigh cotton or other articles presented to him, as provided in this act, and to collect for his services the compensation herein provided for.

Sec. 5. Must keep record of all cotton and other articles weighed by him.—The cotton weigher, or his deputy, shall mark upon each bale of cotton weighed on his scales, the weight in figures, and shall deliver to the person or persons having cotton weighed, a certificate giving the number and weight of each bale of cotton, or if other produce or livestock, he shall deliver a certificate giving the weight of each article, and he shall keep in a well-bound book a record of all cotton and other articles weighed by him, together with a memorandum of the buyer and seller of said articles and said book shall be kept in his office subject to public inspection at all times by any person interested.

Sec. 6. Provides compensation.—Any cotton weigher elected under the provisions of this act, or any deputy appointed, shall receive as compensation for his services, ten cents for each bale of cotton weighed and five cents for each wagon load of cotton, cottonseed, or other produce that he may be called upon to weigh, and he shall make no extra charge for any other kind of produce, and the said fee shall be paid by the purchaser.

Sec. 7. Unlawful for any other person to weigh cotton in any town where said cotton weigher has scales and is acting in his official capacity.—If any person or persons, other than the said cotton weigher, or his legally appointed deputy, shall weigh or attempt to weigh any cotton sold or marketed in the town or village where the said cotton weigher, or his legally appointed deputy, keeps his scales and is acting in his official capacity, such person or persons shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than ten dollars nor more than twenty-five dollars, and each bale of cotton so weighed or attempted to be weighed shall constitute a separate offense, and any purchaser who charges or collects from the person from whom he buys the said cotton so weighed, the price paid for weighing said cotton, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one dollar, nor more than ten dollars, and each charge or collection made in violation of this act shall be a separate offense.

Sec. 8. This act does not prohibit any weigher already elected from continuing his duties until the next election.—This act shall not be construed to prohibit any county cotton weigher already elected from continuing to perform the duties of his office as such cotton weigher, until the next general election, and all cotton weighers heretofore legally elected in the counties herein named, under any laws of the State, providing for the election of cotton weighers, are hereby continued in office and shall perform the duties, and shall be entitled to the compensation provided for in this act until the next general election.

Acts, 1917; Act, 409, p. 1890.

Sec. 1. County public weigher, election of from Greene County.—That at the next general election for State and county officers and every

two years thereafter, there shall be elected, in the same manner and under the same restrictions as is provided by law for the election of other county officials, a county public weigher for the county of Greene, who shall hold his office for the term of two years, or until his successor shall have been elected and qualified: *Provided*, That the governor shall appoint some citizen of Greene County to act as public weigher, under the provisions of this act, until the next general election for State and county officers.

Sec. 3. Deputy, appointment of.—Any public weigher elected under this act shall have the power and shall be required, upon the written application of a majority of the qualified electors of any political township in which is situated any town or village in which enough public weighing is done to pay the wages of a competent deputy, to appoint such deputy and to require of him a good and sufficient bond, conditioned upon the faithful performance of his duties as such deputy, and for the protection of himself for any loss he may sustain by the action of such deputy shall receive for his services the same compensation as is provided in this act for the compensation of the services of the said county public weigher: *Provided*, The public weigher may have one or more deputies in the city of Paragould and town of Marmaduke.

Sec. 4. Scales to be established, when; how maintained; public scales, how tested; duties of public weigher.—When any public weigher is elected under the act, or appointed under the provisions of section 3 of this act, it shall be the duty of the county court of said county, or the judge thereof in vacation, immediately after this act goes into effect, to erect and prepare within the city of Paragould, and the town of Marmaduke in said county or in any other political township of said county complying with the provisions of this act for deputy public weigher, suitable grounds and scales, to be established at a place or places that will be at all times convenient and accessible to the general public for the use of said public weigher, or his deputies: *Provided*, The county court or the judge thereof in vacation may, for the purposes of carrying into effect the provisions of this act, purchase, or lease said ground and scales aforesaid and maintain the same out of the general revenues of said county as other expenses of said county are now provided for by law; *Provided further*, That when any public weigher is elected or appointed under this act, he shall be required to pay into the treasury, for the use of said county in purchasing grounds, leasing same or purchasing scales or leasing same, ten per cent in cash of the gross receipts of his business and that of his deputies in quarterly payments, same to be made on the first day the county court convenes in its regular sessions.

Said scales, when so erected, shall be tested as is now provided by law, and the public weigher and his deputies shall weigh, without unnecessary delay, all cotton, cotton on the seed, corn, hay, wheat, oats, grain, hogs, sheep, cattle, chickens in coops, coal or any other articles of produce sold or marketed at his place of business or at any place where deputies are appointed and located under the provisions of this act where scales are maintained and said articles of produce are presented to him or them to be weighed. It shall be the duty of said public weigher or his duly appointed deputies to weigh such articles

of produce and commodities without unnecessary delay and receive therefor as compensation for his services the several amounts hereinafter provided for by this act: *Provided further*, That until the secretary of state shall procure the tests and weights as provided in section 8004, Kirby's Digest, the said public weigher and his deputies shall be allowed to use scales which have been tested by the county clerk of said county, and which said scales have been found to be correct by his test so made, according to the weights and tests in his office, and it shall be the duty of said clerk to make additional tests, from time to time as shall seem necessary to insure their correctness, as evidence of which said clerk shall issue to said public weigher, and his deputies certificates under seal, and the certificates when so issued, shall entitle them to weigh all or any of the articles mentioned in this act, as they are presented for that purpose and manner as is herein provided and to collect for his services the compensation hereinafter provided for.

Sec. 5. Cotton and other commodities, how weighed and marked.—The public weigher and his deputies shall weigh each bale of cotton separately when so requested by the seller, and shall mark upon each bale of cotton weighed in figures the weight thereof, and shall also deliver to the person or persons having cotton weighed, giving the number and weight of each bale of cotton, or if other produce or live stock he shall deliver a certificate giving the weights of such produce or livestock, and he shall also keep in a well-bound book a record of weights and such other descriptive matter as shall be necessary to at any time identify same; a record of all cotton, corn, wheat, hay, cattle, hogs, chickens in coop, coal, and such other articles of produce weighed by him, together with a memorandum of the buyer and seller of said articles of produce and livestock, and said record shall be kept in his office subject to the inspection of any person interested, and in addition the said public weigher shall exhibit with his quarterly report to the county court the record required to be kept by him for each quarter to enable the judge of said court to examine the same to the end that said report shall be ascertained to be correct.

Sec. 6. Fees of public weigher.—Any public weigher elected under the provisions of this act, or his deputies appointed shall receive as compensation for his services ten cents a load for all produce weighed except livestock on foot in which case he shall receive twenty cents, except such stock that shall be weighed in a wagon and then he shall receive the sum of ten cents for each load of hogs or sheep and the said fees shall be paid in cash by the seller.

Sec. 7. Persons weighing without authority; penalty.—If any person or persons, other than the said public weigher or his legally appointed deputies, shall weigh or attempt to weigh any of the articles of produce or livestock mentioned in this act, when same is marketed, in any town, [or] village where the said public weigher or his legally appointed deputies keep scales, and are acting in their official capacity, such person or persons shall be declared guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than ten dollars and each load of produce or drove of stock so weighed or attempted to be weighed shall constitute a separate offense.

Sec. 8. Public weigher, successor in case of death or resignation.—In case of death, resignation or removal from the county of Greene of the public weigher, the county judge of county shall have the power to appoint some person public weigher who when complying with the provisions of this act, shall be entitled to act as public weigher of Greene County.

Digest of the Statutes, Crawford and Moses, 1921, ch. 113, p. 1831.

Sec. 6985 (1901). Timber inspectors, who are.—The county surveyors of each county of the State of Arkansas shall be ex officio timber inspectors for their respective counties and shall discharge the duties and receive the fees herein provided.

Sec. 6990. Deputies.—Said timber inspectors may appoint one or more deputies for their respective counties, for whose conduct and fidelity in the discharge of their duties as such said county inspector making the appointment shall be responsible upon his official bond; and said county timber inspectors and their deputies shall have power and authority to administer oaths for any purpose relating to their office.

Sec. 6991. Duties of inspectors.—Said county timber inspectors shall, in person or by deputy, at the request of any owner of logs, timber or lumber, after a scalement or measurement thereof, make a bill, stating therein the number of logs, the number of feet (board measure), contained in such logs and lumber and the number of feet, cubic, running or board measure, contained in said timber, and at whose request the same was scaled or measured, and to whom scaled or measured, a copy of which bill he shall enter upon the books of his office, to be provided by him and kept for that purpose, with the marks as they occurred upon the logs. A correct bill of the same shall be given to such owner, with a certificate thereto attached that it is a true and correct bill, which bill, so certified, shall be presumptive evidence of the facts therein contained, and of the correctness of such scalement or measurement in all courts, except in favor of the inspector or deputy inspector who made the same.

Sec. 6992. Allowances for hollow, rotten, or crooked logs.—Said county timber inspectors and their deputies shall, in surveying or measuring logs, make such allowance for hollow, rotten or crooked logs as would make them equal to good, sound, straight, merchantable logs; and all logs that are straight and sound are to be measured at their full size, inside the bark at the small end; and all logs over twenty-four feet long, not exceeding thirty-six feet, shall be scaled or measured as two logs, allowing such rise from the first to the second log as the same may require, or as may seem proper in the opinion of the inspector or his deputy.

Sec. 6993. Deputies to make monthly statement.—Said county timber inspector shall require of each of his deputies, at the end of each month, a correct account of all of the logs, timber or lumber measured by him during the month next preceding, and he shall immediately enter such account upon the books of his office.

Sec. 6994. Standard log measurement.—The Doyle stick or standard of log measurement is declared to be the standard by which all sawlogs bought, sold, cut or hauled in this State shall be scaled or esti-

mated, and in scaling logs the average diameter inside the bark shall be taken.

Sec. 7003 (1883). Fees.—They shall be entitled to receive the following fees for services, viz: Five cents per thousand feet for scaling or measuring and making out survey bills for all logs he is called upon to scale or measure; tweleve cents per thousand feet, running measure, for measuring square timber; ten cents per thousand feet for sawed lumber, including bills; and in all cases such fees shall be paid by the owner of the logs, timber or lumber scaled or measured. For recording each mark, fifty cents. For recording any mortgage, bill of sale or other written instrument, the same fees allowed by law to registers of deeds for recording like instruments.

Digest of the Statutes, Crawford and Moses, 1921, ch. 121, p. 1889.

Sec. 7272 (1893). Weighman at mine; check weighman may be employed; powers and duties.—The weighman employed at any mine shall, before entering upon his duties, take and subscribe on oath, or affirmation, before some proper officer, to do justice between employer and employee, and to weigh the output from the mine honestly and correctly. The miners engaged in working any mine shall have the privilege, if they so desire, of selecting, by a majority vote, and employing, at their own expense, a check-weighman who shall in like manner take an oath, and who shall have like rights, powers and privileges, in attending and seeing that coal is correctly weighed, and who shall be subject to the same penalties as the regular weighman, and each of such weighmen shall keep account of all coal weighed at the mines, in a well-bound book kept for that purpose. Such oath or affirmation shall be kept posted in a conspicuous place in the weigh office, and every owner, agent or operator of any coal mine in this State shall keep a correct account of the output of coal at his mine in a well-bound book kept for that purpose, therein showing the amount of coal mined in each day, in each month and in each year, and such account shall be kept in the general office in this State of such owner, agent or operator, subject at all times to the inspection of the inspector, and if the mine be leased, subject also to the inspection of the owner of the mine, his agent or attorney.

Sec. 7273 (1905). Mine scales.—It shall be the duty of every corporation, company, or person engaged in the business of mining and selling coal by weight or measure, and employing ten or more persons, to procure and constantly keep on hand at the proper place the necessary scales and measures and whatever else may be necessary to correctly weigh and measure the coal mined by such corporation, company, or person, and it shall be the duty of the mine inspector to visit each coal mine operated therein, and where such scales and measures are kept, at least once in each year, and test the correctness of such scales and measures. The owner or operator of each coal mine, or any two or more of the miners working therein, may, in writing, require his attendance at the place where such scales and measures are kept, at other times in order to test the correctness thereof, and it shall be his duty to comply with such request as soon as he can after receiving such request.

Sec. 7274. Testing weights at mines.—Every agent, owner, lessee, or operator engaged in mining coal in any quantity, where ten or more men are worked underground, shall furnish and keep on hand for the use of the State mine inspector, for inspecting, testing, and examining scales, 500 pounds of United States standard testing weights.

Sec. 7276 (1915). Coal not to be screened before being weighed, exceptions; proviso; dimensions of screen; penalty.—It shall be unlawful for any mine owner, lessee or operator of coal mines in this State, where ten or more men are employed underground, employing miners at bushel or ton rates, or other quantity to pass the output of coal mined by said miners over any screen or any other device which shall take any part from the value thereof before same shall have been weighed and duly credited to the employee sending the same to the surface, and accounted for at the legal rate of weights as fixed by the laws of Arkansas, and no employee within the meaning of this act shall be deemed to have waived any right accruing to him under this section by any contract he may make contrary to the provisions thereof, and any provisions, contract or agreement between the mine owners, lessees or the operators thereof, and the miners employed therein, whereby the provisions of this act are waived, modified or annuled, shall be void and of no effect, and the coal sent to the surface shall be accepted or rejected; and, if accepted, shall be weighed in accordance with the provisions of this act, and right of action shall not be invalidated by reason of any contract or agreement; *Provided*, That in Kane Creek, River and Logan Townships in Logan County, and all of Johnson County, except Grant Township, all coal mined and paid for by weight may be paid for on the mine-run basis or upon the screen-coal basis, which shall be a matter of agreement between the operators and he miners: *Provided further*, That if any coal shall be mined on the screen-coal basis it shall pass over the following kind of a screen, to wit: The screen shall not be more than four feet wide and not more than twelve feet long, made of steel or iron bars, which shall not be less than five-eighths of an inch in thickness on the face and not less than five-sixteenths of an inch in thickness on the bottom and not less than one and one-fourth of an inch [in width and shall be in no case more than one and one-fourth of an inch apart. Said screen][1] shall be supported by rests or crossbars. It shall in no event be placed more than three feet apart. The screen bars shall be placed upon rests in such a manner as to prevent spreading and said rests or crossbars shall be firmly fastened to each side of the chute through which the coal passes. Said rests or crossbars shall be so arranged as in no case to rise above the top of the screen bars in such manner as to retard the speed of the coal in passing over the screen. Where coal is screened before it is weighed, it shall be dumped upon bat [flat[1]] sheets and passed over the screen as described above, and there shall be no obstruction on said screens.

Any owner, agent, lessee or operator of any coal mine in this State where ten or more men are employed underground, who shall knowingly violate any of the provisions of this section, shall be

[1] The words in brackets are contained in the act as it appears in the Session Laws of 1915, ch. 49, p. 157.

deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars for each offense, or by imprisonment in the county jail for a period of not less than sixty [days] nor more than six months, or both such fine and imprisonment; and each day any mine or mines are operated thereafter shall be a separate and distinct offense; proceedings to be instituted in any court having competent jurisdiction.

CALIFORNIA

Par. 14, Art. XI, Const., as amended in 1911.

The legislature may by general and uniform laws provide for the inspection, measurement, and graduation of merchandise, manufactured articles and commodities, and may provide for the appointment of such officers as may be necessary for such inspection, measurement and graduation.

Stats. and Amendments to the Codes, 1921, ch. 606, p. 1036.

Sec. 1. Department of agriculture; divisions; powers transferred to department.—The Political Code is hereby amended by adding a new article to chapter three of title one of part three thereof, to be numbered article two b, embracing sections three hundred sixty-one to three hundred sixty-one e, and to read as follows:

Article IIb. Department of agriculture; divisions; powers transferred to department.—361. A department of the government of the State of California to be known as the department of agriculture is hereby created. The department shall be conducted under the control of an executive officer to be known as director of agriculture, which office is hereby created. The director shall be appointed by and hold office at the pleasure of the governor, and shall receive a salary of five thousand dollars per annum. * * *

361a. For the purpose of administration, the department shall be forthwith organized by the director in such manner as, with the approval of the governor, shall be deemed necessary to properly segregate and conduct the work of the department. The work of the department shall be organized into at least five divisions to be known respectively as the division of plant industry, the division of agricultural chemistry, the division of animal industry, the division of markets, and the division of weights and measures. The director, with the approval of the governor, may create such other divisions and subdivisions as may be necessary, and change or abolish the same from time to time with the approval of the governor. The director shall act as chief of one of the divisions without additional compensation. * * *

361b. The department of agriculture except as in this act otherwise provided shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities and jurisdiction of the * * * State superintendent of weights and measures, State market director, State market commission, and of the several officers, deputies and employees of such bodies and offices; and, whenever by the provisions of any statute or law now in force or that may hereafter be enacted a duty or jurisdiction is imposed or authority conferred upon any of said bodies, offices, deputies, or employees, or upon any other person by any statute, the enforcement of which is transferred to the department, such duty, jurisdiction and authority are

hereby imposed upon and transferred to the department of agriculture and the appropriate officers thereof with the same force and effect as though the title of said department of agriculture had been specifically set forth and named therein, in lieu of the names of any such board, commission, office, officer, deputy or employee thereof as the case may be. Said bodies and offices, the duties, powers, purposes and responsibilities of which are so transferred to and vested in the department of agriculture and the positions of all officers, deputies and employees thereunder are and each of them is hereby abolished and shall have no further legal existence, but the statutes and laws under which they existed and all laws prescribing their duties, powers, purposes and responsibilities and jurisdiction together with all lawful rules and regulations established thereunder, are hereby expressly continued in force. The department of agriculture shall also be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of said bodies, offices and officers.

General Laws, 1915, Deering, Act 4385, p. 2121.

Sec. 5 (1913). Standards of weights and measures.—The standards of weights and measures received from the United States under a resolution of Congress approved June 14, 1836, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or renewal thereof, and such as shall be procured by the State in conformity therewith and certified by the National Bureau of Standards, shall be the State standards by which all State, county and municipal standards of weights and measures shall be tried, proved and sealed.

Sec. 6, as amended by Stats. and Amendments, 1917, ch. 786, p. 1648. Custody of standards; tolerances.—The standards referred to in the preceding section shall be kept by the State superintendent [department of agriculture] in a safe and suitable place in his office from which they shall not be removed except for repairs or certification. He shall maintain such standards in good order and shall submit them at least once in ten years to the National Bureau of Standards for certification. Upon demand the secretary of state shall deliver to the State superintendent [department of agriculture] all standards now under the control and in the possession of the secretary of state in his capacity of ex officio State sealer of weights and measures. The State superintendent [department of agriculture] shall thereupon submit such standards received from the secretary of the state to the National Bureau of Standards for certification, and he shall replace such standards as are incorrect and purchase such additional standards as shall be necessary to complete and make up a complete standard of weights and measures as required by this act. He shall also purchase such apparatus as shall be found necessary to a proper prosecution of the work of the office. The State superintendent of weights and measures [department of agriculture] may establish tolerances and specifications for commercial weighing and measuring apparatus for use in the State of California similar to the tolerances and specifications recommended by the National Bureau of

Standards, and he may establish a standard net weight, or net measure, or net count of any commodity, produce or article except any manufactured commodity consisting of four or more staple ingredients, and prescribe such tolerances for same as he may in his best judgment deem necessary for the proper protection of the public. Any person violating such standards or tolerances shall be guilty of a misdemeanor.[1]

Sec. 8 (1913). Copies furnished cities, etc.; testing.—The State superintendent [department of agriculture] shall, at the request of the legislative body of any county, city, town, or city and county, furnish to said county, city, town, or city and county, copies of the standard weights and measures of the State; such copies shall be furnished at the expense of the county, city, town, or city and county requesting the same. He shall upon request of the legislative body of any county, city, town, city and county, or upon the request of a sealer of weights and measures of any such county, city, town or city and county, appointed pursuant to the provisions of this act, test and accurately approve copies of the State's standards of weights and measures procured by any such county, city, town or city and county to be used by a sealer of weights and measures in the performance and discharge of his duties. Copies furnished under the provisions of this section or copies tested and approved by the State superintendent under the provisions of this section shall be true and correct; shall be sealed and certified to by the State superintendent [department of agriculture] and stamped with the letter "C." Such copies need not be of the same material or construction as the standards of the State and such copies may be furnished in any suitable materials or construction that the county, city, town, or city and county requiring the same may specify, subject to the approval of the State superintendent [department of agriculture].

Sec. 9. Inspection of standards used by cities, etc.; expense; complete set of copies.—The State superintendent [department of agriculture] shall inspect and correct the standards used by each county, city, town and incorporated city and county of the State, and at least once in two years compare the same with those in his possession and keep a record of the same, and where not otherwise provided by law he shall have general supervision of the weights and measures and weighing and measuring devices offered for sale, sold or in use in the State. Sealers of weights and measures appointed under the provisions of this act shall, upon the request of the State superintendent [department of agriculture], deliver to the State superintendent [department of agriculture] at his office the copies of the State's standards of weights and measures in their possession, and used in the discharge and performance of their duties, for verification and certification by the State superintendent [department of agriculture]. The actual expense of such comparison and verification shall be borne by the county, city, town or city and county whose weights and measures are compared and verified. In addition to the standards heretofore referred to and required to be kept by the State, the State shall also have a complete set of copies of said original standards of weights and measures adopted by this act, which shall be used for adjusting county and municipal standards by the State

[1] No section numbered 7.

superintendent [department of agriculture] and his deputy in the performance of their duties and the original standards shall not be used except for the adjustment of this set of copies and for certification purposes. Additional complete sets of copies of such original standard of weights and measures may be purchased by the superintendent [department of agriculture] when the same are necessary for use by any deputy State superintendent employed by counties under section sixteen of this act. The State, however, shall be reimbursed for the purchase of such copies by the county in which the same are used, in the manner hereinafter provided.

Sec. 10. Testing of weights and measures used by State institutions.—The State superintendent or his deputy [department of agriculture] shall, at least once annually and as often as requested by the State board of control or the executive officers of the institutions herein referred to, test the scales, weights and measures used in checking the receipt and disbursement of supplies in every institution conducted by the State, and he shall report in writing his findings to the executive officer of the institution concerned and to the State board of control.

Sec. 11. Inspecting work of local sealers.—The State superintendent [department of agriculture] or his deputy shall at least once in two years visit the various cities and counties of the State and inspect the work of the local sealers of weights and measures, and in the performance of said duties he or his deputy may inspect the weights, measures, balances or any other weighing or measuring devices of any person, firm or corporation. The State superintendent [department of agriculture] and his deputy shall have all the powers of sealers of weights and measures provided for in this act.

Sec. 12 (a1915). Charges against sealers neglecting duties; hearing; copy furnished accused; if found guilty; accusation to superior court; unlawful to sell weighing instruments.—The State superintendent [department of agriculture], if he finds that any sealer of weights and measures appointed under the provisions of this act, or any sealer or deputy sealer appointed by any city or county in this State, prior to this act, has refused or neglected to perform the duties of his office or refused to accept the recommendations and instructions of the State superintendent [department of agriculture] or is guilty of any malfeasance in office or who is incompetent, shall present to the body, officer or board having power to remove such sealer or deputy sealer of weights and measures a written charge and accusation based upon and clearly stating the alleged offense or offenses of such sealer, or deputy sealer and request such body, officer, or board to hear and determine such charge and accusation. Upon receipt of such charge and accusation, it shall be the duty of the body, officer or board with whom the same have been filed to make an order setting the same for hearing at a time which shall be not less than ten or more than twenty days from the date upon which such charge and accusation shall have been filed, and shall in such order fix the time and place for such hearing. A copy of such charge and accusation, together with a copy of such order, shall be served upon the accused at least seven days prior to the time fixed for such hearing: *Provided*, That in the event he shall absent himself from his usual place of business, or office, such service may be made by depositing such copies in a

conspicuous place therein or by leaving the same at the last known place of residence of the accused, within the time above limited. At such hearing the accused shall have the right to be represented by counsel, if he so desires, and to produce witnesses and documentary evidence in his defense. If, upon such hearing, he be found guilty of malfeasance in office, or adjudged to be incompetent to perform the duties of his office, the body, officer or board before whom such hearing is had must forthwith remove him from office. If he be found guilty of any of the other offenses herein enumerated he may be punished by removal or by suspension without pay for a period not exceeding thirty days, as such body, board or officer may determine. If he has reason to believe that any such sealer or deputy sealer of weights and measures has committed any of the offenses specified in section seven hundred and seventy-two of the Penal Code, the State superintendent [department of agriculture] may, in his discretion, present an accusation to the superior court of the county in which the accused is employed, which shall thereupon be heard and determined by such court in the manner provided by law. The remedies provided in this section are cumulative merely, and shall not in any wise detract from the right of the appointing power to remove at will any such sealer or deputy sealer of weights and measures. It shall be unlawful for the State superintendent [department of agriculture], his deputies, or any sealer of weights and measures to keep for sale, or offer or expose for sale, or to sell to any person, firm, or corporation, or dealer in goods, wares and merchandise, doing or intending to do business in the State of California any weighing or measuring instrument, or to be interested directly or indirectly in the sale of any weighing or measuring instrument.

Sec. 13 (1913). Investigate conditions in State.—It shall be the duty of the State superintendent [department of agriculture] to investigate conditions in the various counties, cities, and towns of the State in respect to weights and measures, and to the sale of goods, wares and merchandise, commodities and foodstuffs in containers. The State superintendent [department of agriculture] shall annually report to the governor, and shall prior to each regular session report to the legislature the work of his office, and shall make such recommendations as he shall deem proper and necessary.

Sec. 14. Instructions to sealers.—The State superintendent [department of agriculture] shall issue instructions and make recommendations to the county and municipal sealers of weights and measures, appointed under the provisions of this act, and such instruction and recommendations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties.

Sec. 15. Record of acts done.—The State superintendent [department of agriculture] shall keep in his office a complete record of all acts done by him and a record of all prosecutions for violation of the provisions of this act, and the reports of the various sealers of weights and measures appointed under the provisions of this act, which records and reports shall always be open to the public.

Sec. 16 (a1915). Office of sealer of weights and measures created; compensation; term; deputies; failure of legislative body to appoint; cost of copies.—The office of sealer of weights and measures is hereby created. Whenever in this act the term "sealer" is used, the same shall be

taken to mean and refer to sealer of weights and measures. Within one hundred and twenty days after the approval of this act by the governor, it shall be the duty of the board of supervisors of each of the countries of the State except as hereinafter provided, to appoint a sealer of weights and measures for their respective counties; said sealer shall receive as compensation the sum of five dollars per day for each day actually employed in the service of the county, to be audited and paid as other claims against the county. He shall be allowed his traveling expenses actually and necessarily incurred in the performance of his duties. The term of office of such sealer of weights and measures shall be four years, but he shall be subject to removal at the will of such board. A sealer appointed under this act may, with the consent of the board of supervisors of the county appointing him, appoint a deputy or deputies when necessary or expedient to carry out the provisions of this act. The compensation of such deputies shall be the same as the county sealer and paid in the same manner. Such deputies shall always be subject to removal by the sealer of weights and measures. In case the legislative body of any county or city and county shall not appoint a sealer for such county or city and county within thirty days after written request for such appointment by the State superintendent [department of agriculture], is received, said State superintendent shall assign as soon as practicable a deputy superintendent who shall perform all the duties of sealer in such county or city and county as provided in this act to be performed by county or city sealers and to provide copies of the original standards of weights and measures for use by said deputy in such county. The actual cost of such services shall be paid by the county in the same manner in which other claims against the county are paid. The amount to be paid shall be at the rate of one hundred and fifty dollars per month for the time such deputy superintendent is employed in such county in addition to the actual traveling expenses of such deputy made necessary by such appointment. The county shall also stand its proportionate share of the actual cost of the set of copies to be used in such county by such deputy, at the rate of one-twelfth of the cost thereof for every month such copies are employed therein during the first year of their use, and in that event such county may at any time pay the balance of the cost of such copies and become the owner thereof, or the county may pay rental to the State for the use of such copies at the rate of ten per cent per annum of the cost price thereof.

Sec. 17, as amended by Stats. and Amendments, 1921, ch. 39, p. 41. Appointment of sealers; compensation; traveling expenses; term; in counties of second class with charters; in counties of third class; appointment of deputies in certain counties by State superintendent.—The legislative body of any county or consolidated city and county of the first to the thirty-fifth classes, both inclusive, and the legislative body of any city or town may appoint a sealer of weights and measures, fix his compensation and provide for the appointment by the sealer of such number of deputies as the said legislative bodies may deem necessary and expedient. Such sealer shall receive as compensation the sum of one hundred fifty dollar per month, or at the rate of one hundred fifty dollars per month for each month or part thereof actually employed in the service of such county, or city and county,

or city and town. He shall be allowed his traveling expenses actually and necessarily incurred in the performance of his duties; and such deputies shall each receive as compensation the sum of five dollars per day for each day actually employed in the service of such county, or city and county, or city and town. They shall be allowed their traveling expenses actually and necessarily incurred in the performance of their duties. The term of office of sealer of weights and measures appointed under the provisons of this section shall be four years. He shall be subject to removal by the power appointing him. Deputies appointed under the provisions of this section by a sealer of a county, city and county, or city, or town, shall be subject to removal by the sealer.

In counties of the second class whose charters provide for a department of weights and measures, the appointment of a sealer and deputies, the number of such deputies and the term of office thereof shall be as provided in said charter: *Provided*, That the sealer shall receive for compensation the sum of three thousand dollars per annum, and one deputy, to be known as chief deputy, shall receive as compensation the sum of two thousand four hundred dollars per annum. Deputies shall receive as compensation the sum of one thousand eight hundred dollars per annum, each payable in the same manner as the salaries of other county officers are paid. In counties of the third class the sealer shall receive as compensation the sum of three thousand dollars per annum, and deputies shall each receive as compensation the sum of two thousand dollars per annum, payable in the same manner as the salaries of other county officers are paid.

In all counties other than those of the first to the thirty-fifth classes, both inclusive, no county sealer or deputies shall be appointed by the legislative body thereof, but the State superintendent of weights and measures [department of agriculture] shall assign to such counties, or groups of such counties, such deputy superintendents as may be necessary, but not more than one to each of such counties. Such deputies shall have jurisdiction over such county, or group of counties, as the State superintendent [department of agriculture] may designate, except within the territorial limits of those cities and towns within which sealers have been appointed under the provisions of this act. They shall have all the powers and perform the duties of a sealer of weights and measures. They shall be paid by the county wherein employed, five dollars a day for each day employed therein, which shall not exceed one hundred and twenty days in any one county in any one year, and they shall also receive from such county their actual traveling expenses. The terms of office of all sealers and deputy sealers in all counties other than those of the first to the thirty-fifth classes, both inclusive, shall terminate when this section becomes effective.

Sec. 18 (1913). Jurisdiction of sealers.—The jurisdiction of a sealer appointed or a deputy State sealer employed for a county shall extend over the entire territorial limits of the county appointing such sealer, except within the territorial limits of those cities and towns within which sealers have been appointed under the provisions of this act. The jurisdiction of the sealer of weights and measures appointed by the legislative body of any city or town

under the provisions of this act shall extend over the entire territorial limits of such city or town.

Sec. 19. Sealers appointed heretofore not affected.—This act shall not affect the appointment of any sealer of weights and measures heretofore appointed for any city, town or city and county under any law, but such sealers shall perform the duties of the office under the provisions of this act, and shall possess the same powers and duties as sealers appointed under the provisions of this act.

Sec. 20. Copies of standards for counties, etc.—Except as herein otherwise provided the board of supervisors or legislative body of each county, city, town and city and county of the State shall, upon the appointment of a sealer under the provisions of this act, provide and procure for their respective county, city, town and city and county, copies of the State's standards of weights and measures at the expense of such county, city, town or city and county; such copies shall be verified and certified to by the State superintendent of weights and measures [department of agriculture] as in section eight of this act provided.

Sec. 21. Copies to be tested.—Sealers appointed under the provisions of this act shall, at least every two years, cause to be proved and tested by the State superintendent [department of agriculture] copies of the State's standards in their possession. If, upon such inspection, or any inspection by the State superintendent [department of agriculture], the copies of the weights and measures tested shall be found to be incorrect, the same shall be adjusted, if the same are susceptible of being adjusted, but if not, new copies shall be procured and certified to in the same manner as original copies.

Sec. 22. Copies deemed correct.—In any prosecution for a violation of any of the provisions of this act any copy of the standards of weights and measures of the State furnished, procured and certified to under the provisions of this act, shall be admitted in evidence upon the trial, and such copy shall be deemed prima facie true and correct.

Sec. 23. Duties of sealers.—It shall be the duty of any sealer of weights and measures to carefully preserve all copies of the standards of weights and measures in his possession, and to keep the same in a safe and suitable place when not actually in use; and it shall be his duty annually and at such other times as the State superintendent [department of agriculture] may require to file with such superintendent [department of agriculture] a written report of the work done by him of the weights, measures, weighing and measuring instruments inspected or tested by him and of the result of such inspection, of all prosecutions instituted by him for violations of the provisions of this act and of all other matters and things pertaining to his duties or which may be required by the State superintendent [department of agriculture].

Sec. 24. Dealers in weighing and measuring instruments to have same tested.—Every person using or keeping for use or having or offering for sale weights, scales, beams, measures of every kind, instruments or mechanical devices for weighing or measurement, and tools, appliances and accessories connected with any or all of such instruments or measures within a county, city, town, or city and county in which there has been appointed a sealer under the provisions of

this act, shall within three months after the appointment of such sealer cause all such weights, scales, beams, measures of every kind, instruments or mechanical device for weighing or measurement, and tools, appliances and accessories connected with any or all such instruments or measures to be sealed and marked by the sealer of weights and measures of the county, city, town or city and county in which the same are used, kept for use or kept or offered for sale.

Sec. 25. Instruments must be tested before sale.—No weight, scale, beam, measure of any kind, instrument or mechanical device for weighing or measurement, nor tools, appliances or accessories connected with any or all of such instruments or measures shall be used, kept for use, sold, offered for sale or kept for sale in any county, city, town or city and county, in which there is a sealer appointed under the provisions of this act and in which for three months there has been continuously in office in such county, city, town or city and county a sealer, unless such weight, scale, beam, measure of any kind, instrument or mechanical device for weighing or measurement, and tools, appliances and accessories connected with any or all such instruments or measures shall have been sealed and tested as in this act provided.

Sec. 26. Instruments which may be sold and used; subject to inspection.—When any weight, scale, beam, measure of any kind, instrument or mechanical device for weighing or measurement, and tools, appliances and accessories connected with any or all such instruments or measurements have been tested and found correct by any sealer appointed under the provisions of this act, the same may be used, kept for use, offered for sale, sold, or kept for sale within any county, city, town or city and county of this State for one year without any further test. Any weight, scale, beam, measure of any kind, instrument or mechanical device for weighing or measurement, and tools, appliances and accessories connected with any or all such instruments or measures, which have been tested and sealed and certified to as correct by the National Bureau of Standards, may be kept for sale, sold or offered for sale without being first tested and sealed by a sealer as in this act provided. But all such weights, scales, beams, measures of any kind, instruments or mechanical devices for weighing or measurement, and tools, appliances and accessories connected with any or all such instruments or measures shall always be subject to inspection and testing as herein provided, notwithstanding that the same have been tested and sealed either by a sealer appointed under the provisions of this act or by the National Bureau of Standards.

Sec. 27. Testing of devices which must be assembled before use.—Any scale, beam or mechanical device for weighing or measuring, which, after being sold and before being used for weighing or measuring it is necessary to assemble or set up, may be sold, kept for sale, or offered for sale without first being tested and sealed as in this act provided; but such scale, beam or mechanical device for weighing or measuring, before being used for weighing or measuring must be tested and sealed as in this act provided.

Sec. 28. Testing upon request of resident; testing upon request of firm, etc., using; not relieved from violation.—Upon a written request of any resident of a county, city, town or city and county, in which there

has been appointed a sealer under the provisions of this act, there appearing reasonable ground therefor, the sealer for such county, city, town or city and county shall test or cause to be tested, as soon thereafter as is practicable, the weights, scales, beams, measures of any kind, instruments or mechanical devices for weighing or measurement, tools, appliances and accessories connected with any or all such instruments or measurements used in buying or selling by the person, firm or corporation, designated in such request. Upon the written request of any person, firm or corporation, using, having for use, selling, keeping or offering for sale any weight, scale, beam, measure of any kind or instrument or mechanical device for weighing or measurement, tools, appliances and accessories connected with any or all such instruments or measures, in any county, city, town, or city and county in which there has been appointed a sealer under the provisions of this act, the sealer for such county, city, town or city and county shall test or cause to be tested, as soon thereafter as is practicable, the weights, scales, beams, measures of any kind, instrument or mechanical device for weighing or measurement, tools, appliances and accessories connected with any or all such instruments or measures belonging to or used by such person, firm or corporation; but such written request shall not relieve the person, firm or corporation making it from any violation of the provisions of this act or of the responsibility provided in this act for using, keeping for use, selling or offering to sell, or keeping for sale, any false weight, scale, beam, measure of any kind, instrument or mechanical device for weighing or measurement, tools, appliances and accessories connected with any or all such instruments or measures.

Sec. 29. Duties of sealers; weigh packages.—The sealer shall, within his county, city, town or city and county, inspect, try, test all weights, scales, beams, measures of any kind, instruments or mechanical devices for weighing or measurements, and tools, appliances and accessories connected with any or all such instruments or measures, kept for the purpose of sale, sold, or used by any proprietor, agent, lessee or employee in proving the size, quantity, extent, area, weight or measurement of quantities, things, produce, articles for distribution or consumption, purchased or offered or submitted by such person or persons for sale, hire or award and ascertain if the same are correct; and he shall have the power to and shall, from time to time, weigh or measure packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered for sale or sold, or in the process of delivery, in order to determine whether the same contain the quantity or amount represented and whether they are being offered for sale or sold in accordance with law and may seize for use as evidence any such amounts of commodities or package or packages which shall be found to contain a less amount than that represented. He shall, at least once in each year, or as much oftener as he deems necessary, see that the weights, measures and all weighing and measuring apparatus, used in his county, city, town, or city and county, are correct. He may, for the purpose above mentioned, and in the general performance of his duty, without formal warrant, enter or go into or upon, any stand, place, building or premises or stop any vendor, peddler, junk dealer, driver of a coal wagon, ice wagon or delivery wagon or the driver of any

wagon containing commodities for sale or delivery and, if necessary, require him to proceed to some place which the sealer may specify for the purpose of making the proper tests.

Sec. 30. Violators prosecuted.—Any sealer having knowledge of a violation of any of the provisions of this act, or of any law relating to weights and measures shall cause the violator to be prosecuted.

Sec. 31. Marking weights and measures tested, etc.; "out of order"; removal of tags prohibited.—Whenever a sealer compares weights and measures or weighing or measuring instruments and finds that they correspond, or causes them to correspond, to the standards in his possession, he shall seal or mark, under his name, such weight or measure or weighing or measuring instrument with an appropriate device showing that the weight or measure or weighing or measuring instrument is correct and the date of the inspection, which device shall be placed so as to be easily seen. He shall condemn and seize and may destroy incorrect weights and measures and weighing and measuring instruments which in his best judgment are not susceptible of repair, but any weight, measure or weighing or measuring instrument which shall be found to be incorrect, but which in his best judgment is susceptible of repair, he shall cause to be marked with a tag or other suitable device with the words "out of order." The owners or users of any weights or measures or weighing or measuring instruments which have been marked "out of order," as in this section provided, may have the same repaired or corrected within thirty days, but until the same have been repaired or corrected and tested as herein provided the owners or users thereof may neither use nor dispose of the same in any way, but shall hold the same at the disposal of the sealer. When the same have been repaired or corrected the owner or user thereof shall notify the sealer and the sealer shall again test and prove the weight, measure, or weighing or measuring instrument, which had been found incorrect and marked as in this section provided, and until such weight, measure, or measuring or weighing instrument has been reinspected by the sealer and found correct, the same shall not be used or in any way disposed of by the owner. Any person who removes or obliterates any tag or device placed upon any weight, measure, or weighing or measuring instrument by the sealer as in this act provided, shall be guilty of a misdemeanor. When any weight, measure or weighing or measuring instrument has been repaired and corrected, as in this act provided, and has been reinspected and found correct by the sealer of weights and measures, as in this act provided, the sealer of weights and measures shall remove the tag or device with the words "out of order," and shall seal and mark such weight, measure, or weighing or measuring instrument in the manner provided for the marking of the same where upon inspection they are found correct.

Sec. 32, as amended by Stats. and Amendments, 1917, ch. 786, p. 1650. Penalty for possessing or using false weights and measures.—Any person who, by himself, or his employee or agent, or as the employee or agent of another, shall use, in the buying or selling of any commodity, or retain in his possession a false weight or measure or weighing or measuring instrument, or shall offer or expose for sale, or sell, except as heretofore specifically allowed in section twenty-seven of this act, or use or retain in his possession any weight or

measure or weighing or measuring instrument in any county, city, town, or city and county in which there has been appointed a sealer of weights and measures in accordance with the provisions of this act, which has not been sealed by a sealer within one year, or who shall use or dispose of any condemned weight or measure, or weighing or measuring instrument contrary to law, or any person who, by himself, or his employee or agent, or as the employee or agent of another, shall sell or offer or expose for sale or use or have in his possession for the purpose of selling or using any device or instrument to be used or calculated to falsify any weight or measure, and any person who, by himself, or his employee or agent, or as the employee or agent of another, shall sell or offer or expose for sale any commodity, produce, article or thing in a less quantity than he represents it to be or contain, shall be guilty of a misdemeanor. Possession of any false weight or measure or weighing or measuring instruments or records thereof shall be prima facie evidence of the fact that they were intended to be used in the violation of law.

Sec. 32a, as enacted by Stats. and Amendments, 1917, ch. 786, p. 1650. Sale of commodities at other than net weight, etc., misdemeanor.—No person shall by himself or his employee or agent, or as the employee or agent of another sell or offer or expose for sale any commodity, produce, article or thing at, by, or according to gross weight or measure, or at, by, as, of, or according to any weight, measure or count which is greater than the true net weight, measure or count thereof, or which is less than the standard net weight, standard net measure or standard net count, including tolerances, as such standards and tolerances are now or may hereafter be established pursuant to the provisions of this act. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Sec. 33 (1913). Power of peace officers.—The State superintendent [department of agriculture], his deputy, all sealers and their deputies, in the performance of their official duties, shall have the same powers as are possessed by peace officers of this State.

Sec. 34. Hindering sealers.—Any person who shall hinder or obstruct in any way the State superintendent [department of agriculture] or his deputy, or a sealer or his deputy, in the performance of their official duties, shall be guilty of a misdemeanor.

Sec. 35. Refusing to exhibit weights and measures.—Any person neglecting or refusing to exhibit any weight, measure, or weighing or measuring instrument of any kind, or appliances and accessories connected with any or all of such instruments or measures which is in his possession or under his control, to the state superintendent [department of agriculture], or his deputy, or to a sealer or his deputy, for the purpose of allowing the same to be inspected and examined as in this act provided, shall be guilty of a misdemeanor.

Sec. 36. Refusing to exhibit commodities.—Any person, who by himself, or his employee or agent, or as a proprietor or manager, shall refuse to exhibit any article, commodity, produce or anything being sold or offered for sale at a given weight or quantity, or ordinarily so sold, to the State superintendent [department of agriculture], or to his deputy, or to a sealer or his deputy, for the purpose of allowing the same to be tested and proved as to the quantity contained therein as in this act provided, shall be guilty of a misdemeanor.

Sec. 37. Penalty for false sealing.—Any sealer who shall seal any weight, measure, balance or apparatus before first testing and making the same conform with the standards of the State, or who shall condemn any weight, measure, balance or apparatus without first testing the same, shall be deemed guilty of a misdemeanor.

Sec. 38. Misdemeanor.—Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Sec. 39. "Person."—The word "person," as used in this act, shall be deemed to include person, firm or corporation.

Sec. 40. Duty of officers of corporations.—It shall be the duty of all officers, directors and managers of corporations, whose respective corporations use or keep for use, sell or offer for sale, any weights, measures, or weighing or measuring instruments which are subject to inspection by the provisions of this act, to comply with the provisions of this act on behalf of their respective corporations; and it shall be the duty of all officers, directors and managers of corporations, whose respective corporations offer for sale or keep for sale any commodity, produce, article or thing which is subject to inspection by the provisions of this act, to comply therewith on behalf of their respective corporations. In case any corporation shall violate any of the provisions of this act, the corporation and the officers thereof directly concerned with the act or acts constituting such violation shall be severally guilty of a misdemeanor.

Sec. 41. Sealing by State superintendent.—Any sealing or testing of any weight, measure, weighing or measuring instrument by the State superintendent [department of agriculture] or his deputy shall have the same force and effect as a sealing or testing by a sealer or his deputy.

Sec. 43, as amended, by Stats. and Amendments, 1917, ch. 786, p. 1650. Title of act.—This act when cited or amended may be designated as the "weights and measures act."

Stats. and Amendments, 1921, ch. 704, p. 1196.

Section 1. Standard weights for loaves of bread; small loaf; standard large loaf; tolerances; twin and multiple loaves.—All loaves of bread made or procured for the purpose of sale, sold, offered or exposed for sale in the State of California shall weigh, six hours after baking, not less than sixteen ounces avoirdupois, except as hereinafter provided, and such weight shall be the standard weight of a small loaf in the State of California. Bread may also be made or procured for sale, sold or offered or exposed for sale in twenty-four ounce loaves, which shall be known as a standard large loaf; also, in multiples of the standards fixed for the small and large loaves and no other. Commercial tolerances in excess are hereby fixed for small loaves of one ounce and for large loaves of two ounces, and there shall be no tolerance below or in deficiency of the fixed standard weight. Bread commonly known as "twin loaves" or multiple loaves may be made or procured for the purpose of sale, sold, offered or exposed for sale, providing each unit of such "twin" or multiple loaf conforms to the standard weights as herein fixed. The commercial tolerance fixed for small loaf shall apply to each unit of the "twin" or multiple loaf.

Sec. 2. Penalty; time of inspection.—Any person, firm or corporation who shall make or procure for the purpose of sale, sell, offer or

expose for sale within the State of California any bread in loaves otherwise than herein provided for or in conflict with the standard weights of bread when baked as herein fixed, shall be guilty of a misdemeanor. All inspection of the weight of bread shall be made on the premises of the maker or manufacturer by averaging the weight of not less than twenty loaves of bread of any one unit and such average weight per loaf shall not be less than the minimum or more than the maximum weight herein fixed for such units.

Sec. 3. Exemption of crackers, etc.—The provisions of this act shall not apply to crackers, pretzels, biscuits, buns, scones, rolls or loaves of fancy bread weighing less than one-fourth of a pound avoirdupois or to what is commonly known as "stale bread," sold as such, provided the seller shall, at the time of sale, expressly state to the buyer that the bread so sold is stale bread.

Sec. 4. Enforcement.—The enforcement of the provisions of this act shall be under the supervision of the State superintendent of weights and measures [department of agriculture].

Stats. and Amendments, 1915, ch. 653, p. 1288.

Sec. 1, as amended by Stats. and Amendments, 1923, ch. 150, p. 310. Weighmaster's bond; fee; seals.—All persons, firms, corporations, copartners, or individuals engaged in the business of public weighing for hire, or any person, firm, or corporation who shall weigh or measure any commodity, produce, or article, and issue therefor a weight certificate which shall be accepted as the accurate weight upon which the purchase or sale of such commodity, produce, or article is based shall be known as a public weighmaster, and shall file a bond with the State superintendent of weights and measures [department of agriculture] in the sum of one thousand dollars for the faithful performance of his duties, and shall pay a license fee of ten dollars per annum to the State superintendent of weights and measures [department of agriculture] and shall obtain from the State superintendent of weights and measures [department of agriculture] a seal for the stamping of weight certificates hereinafter provided for, which shall only be in such form as such superintendent [department of agriculture] may prescribe.

(*a*) The said seals shall be the property of the State and shall be forfeited and returned to the State superintendent of weights and measures [department of agriculture] upon termination of the performance of the duties herein prescribed as being the duties of a public weighmaster. Such seal shall be of a form and design prescribed by the State superintendent [department of agriculture] and furnished by him at the expense of the weighmaster. Said seal shall be a recognized authority of accuracy when applied to weight certificates. Nothing in this act contained shall be construed as applying to persons maintaining scales in villages or country districts for weighing farm products for hire, where such person does not carry on regularly the business of weighing for hire and any person so maintaining any such scales for such purpose shall not be construed to be a "public weighmaster" within the meaning of this act.

Sec. 2. Weight certificates.—The State superintendent [department of agriculture] shall prescribe a form of weight certificates to be used by all public weighmasters, which certificates shall be known as the "state certificate of weights and measures," and shall state

thereon the kind of product, the number of units of the same, the date of receipt of the product, the owner, agent or consignee, the total weight of the product, the vessel, railroad, team, or other means by which the product was received, any trade or other mark thereon, and such other information as may be necessary to distinguish or identify the product from a like kind. No certificate other than the one herein prescribed shall be used by public weighmasters.

Sec. 3. Records.—All public weighmasters shall keep and preserve correct and accurate records of all public weighings, as provided by this act, which records shall at all times be open for inspection by the State superintendent of weights and measures [department of agriculture], or his deputy.

Sec. 4. Accurate and correct weight; penalty for issuing false certificate.—All State certificates of weights and measures as provided by this act, shall contain the accurate and correct weight of any and all commodities weighed when issued by the public weighmaster.

(*a*) Any public weighmaster who shall issue a State certificate of weights and measures giving a false weight or measure of any article or commodity weighed or measured by him, or his representative, to any person, firm or corporation, shall be guilty of a misdemeanor, and the State superintendent [department of agriculture] may direct and compel the return to him of the State seal, or declare his bond as public weighmaster forfeited, or both.

Sec. 5, as amended by Stats. and Amendments, 1919, ch. 348, p. 723. Penalty for false measurement, etc.—Any person, firm, corporation, who shall request the public weighmaster, or any person employed by him to weigh any product, commodity, or article falsely or incorrectly, or who shall request a false or incorrect state certificate of weight and measure, or any person issuing a state certificate of weights and measures who is not a public weighmaster as provided for in this act, shall be guilty of a misdemeanor.

Sec. 6, as amended by Stats. and Amendments, 1919, ch. 348, p. 723. Reweighing.—When doubt or differences arise as to the correctness of the net or gross weight of any amount or part of any commodity, produce, or article for which a state certificate of weights and measures has been issued by a public weighmaster, the owner, agent, or consignee may, upon complaint to the State superintendent of weights and measures [department of agriculture], or his deputy, have said amount or part of the amount of any commodity, produce, or article, reweighed by the State superintendent of weights and measures [department of agriculture], or a public weighmaster designated by him, upon depositing a sufficient sum of money to defray the actual cost of reweigh with the State superintendent of weights and measures [department of agriculture]. If, on reweighing, a difference in the original weight is discovered as the result of fraud, carelessness, or faulty apparatus, the cost of reweighing shall be borne by the public weighmaster responsible for the issuance of such faulty State certificate of weights and measures. All public weighmasters employing or designating any person to act for them as deputy public weighmaster, shall be responsible for all acts performed by such person, and the public weighmaster shall forward to the State superintendent of weights and measures [department of agriculture] the name and address of persons so appointed.

Sec. 7, as amended by Stats. and Amendments, 1919, ch. 348, p. 723. Lots piled separately; net weight.—All amounts, lots, shipments, or consignments of products, after having been weighed, shall be piled or stored separately, as near as can be, or in some manner marked in order that said amounts, lots, shipments, or consignments may be distinguished from each of a like kind. When any product is sold subject to public weighmaster weights, such weight shall be the true net weight of the product. Net weight within the meaning of this act shall be the correct or actual weight of the commodity excluding the weight of the container.

Sec. 7a, as enacted by Stats. and Amendments, 1919, ch. 348, p. 723. Penalty.—Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Political Code, 1915, Deering, ch. 8, p. 766.

Sec. 3209 (a1915). Standard weights and measures furnished by Government; metric system may be used.—The standard weights and measures now in charge of the State superintendent of weights and measures being the same that were furnished to this State by the Government of the United States, and consisting of one standard yard measure; one set of standard weights, comprising one troy pound, and nine avoirdupois weights of one, two, three, four, five, ten, twenty, twenty-five, and fifty pounds, respectively; one set of standard troy ounce weights, divided decimally from ten ounces to the one ten-thousandth of an ounce; one set of standard liquid capacity measures, consisting of one wine gallon of two hundred and thirty-one cubic inches, one half-gallon, one quart, one pint, and one half-pint measure; and one standard half-bushel, containing one thousand and seventy-five cubic inches and twenty-one hundredths of a cubic inch, according to the inch hereby adopted as the standard, are the common standards of weights and measures throughout the State: *Provided, however*, That instead of using the common standard of weights and measures it shall be lawful throughout the State to employ the weights and measures of the metric system authorized by the Congress of the United States of America, and no contract or pleading in any court shall be deemed invalid or liable to objection because the weights and measures expressed or referred to therein are weights or measures of the metric system.

Sec. 3210 (1872). Unit of extension.—The standard yard is the unit or standard measure of length and surface from which all other measure of extension, whether lineal, superficial, or solid, are derived and ascertained.

Sec. 3211. Division of the yard.—The yard is divided into three equal parts, called feet, and each foot into twelve equal parts, called inches; for measures of cloths and other commodities commonly sold by the yard, it may be divided into halves, quarters, eighths, and sixteenths.

Sec. 3212. Rod, pole, perch, mile, chain.—The rod, pole, or perch, contains five and a half yards, and the mile one thousand seven hundred and sixty yards; the chain for measuring land is twenty-two yards long, and divided into one hundred equal parts, called links.

Sec. 3213. Acre.—The acre for land measure must be measured horizontally, and contains ten square chains, and is equivalent in

area to a rectangle sixteen rods in length and ten in breadth; six hundred and forty acres being contained in a square mile.

Sec. 3214. Units of weight.—The standard avoirdupois and troy weights are the units or standards of weight from which all other weights are derived and ascertained.

Sec. 3215 (a1915). Standard weights.—The avoirdupois pound, which bears to the troy pound the ratio of seven thousand to five thousand seven hundred and sixty, is divided into sixteen equal parts, called avoirdupois ounces; the hundred weight consists of one hundred avoirdupois pounds, and twenty hundred weight constitutes a ton. The avoirdupois ounce is divided into sixteen equal parts called avoirdupois drams. The troy ounce is equal to the twelfth part of the troy pound. The troy pennyweight is equal to the twentieth part of the troy ounce, and the troy grain is equal to the twenty-fourth part of the troy pennyweight. The apothecary's pound is equal to the troy pound. The apothecary's ounce is equal to the twelfth part of the apothecary's pound. The apothecary's dram is equal to the one-eighth part of the apothecary's ounce. The scruple is equal to the one-third part of the apothecary's dram, and the grain is equal to one-twentieth of the scruple.

Sec. 3216. Liquid measures.—The standard gallon and its parts are the units or standards of capacity for liquids, from which all other measures of liquids are derived and ascertained. The liquid quart is equal to the one-fourth part of the standard gallon. The pint is equal to the one-eighth part of the gallon. The gill is equal to the one-fourth part of the pint. The fluid ounce is equal to the one-sixteenth part of the pint. The fluid dram is equal to the eighth part of the fluid ounce, and the minimum is equal to the sixtieth part of the fluid dram.

Sec. 3217 (1872). Barrel, hogshead.—The barrel is equal to thirty-one and a half gallons, and two barrels constitute a hogshead.

Sec. 3218. Unit of measure for solids.—The standard half bushel is the unit or standard measure of capacity for substances other than liquids, from which all other measures of such substances are derived and ascertained.

Sec. 3219. Division of half bushel.—The peck, half peck, quarter peck, quart, and pint measures for measuring commodities other than liquid are derived from the half bushel by successively dividing that measure by two.

Sec. 3220. Division of capacity or commodities; construction.—The measures of capacity for coal, ashes, marl, manure, Indian corn in the ear, fruit, and roots of every kind, and for all other commodities commonly sold by heap measure, are the half bushel and its multiples and subdivisions; and the measures used to measure such commodities must be made cylindrical, with plane and even bottom, and must be of the following diameters from outside to outside: The bushel, nineteen and a half inches; half bushel, fifteen and a half inches, and the peck, twelve and a third inches.

Sec. 3221. Heap measure.—All commodities sold by heap measure must be duly heaped up in the form of a cone; the outside of the measure, by which the same are measured, to be the limit of the base of the cone, and such cone to be as high as the article will admit.

Sec. 3222 (a1915). Contracts to be construed according to common standards.—Contracts made within this State for work to be done or for anything to be sold or delivered by weight or measure, must be construed according to the foregoing common standards, known as the imperial system or according to the foregoing authorized weights and measures of the metric system, according as the units of one system or the other system are used or referred to in such contracts.

Sec. 3223 (1872). Weight per bushel.—Whenever wheat, rye, Indian corn, barley, buckwheat, or oats, are sold by the bushel, and no special agreement as to the weight or measurement is made by the parties, the bushel consists of sixty pounds of wheat, of fifty-four pounds of rye, of fifty-two pounds of Indian corn, of fifty pounds of barley, of forty pounds of buckwheat, and of thirty-two pounds of oats.

Penal Code, 1915, Deering, ch. 12, p. 248.

Sec. 552 (1872). False weight and measure defined.—A false weight or measure is one which does not conform to the standard established by the laws of the United States of America.

Sec. 553. Using false weights or measures.—Every person who uses any weight or measure, knowing it to be false, by which use another is defrauded or otherwise injured, is guilty of a misdemeanor.

Sec. 554. Stamping false weight.—Every person who knowingly marks or stamps false or short weight or measure, or false tare, on any cask or package, or knowingly sells, or offers for sale, any cask or package so marked, is guilty of a misdemeanor.

Sec. 555 (1875–76). Weight by the ton or pound; full weight required.—In all sales of coal, hay, and other commodities, usually sold by the ton or fractional parts thereof, the seller must give to the purchaser full weight, at the rate of two thousand pounds to the ton; and in all sales of articles which are sold in commerce by avoirdupois weight, the seller must give to the purchaser full weight, at the rate of sixteen ounces to the pound; and any person violating this section is guilty of a misdemeanor.

Sec. 556 (1915). Sale of coal.—No person shall willfully or knowingly, with intent to defraud, sell or exchange, or offer or expose for sale or exchange, coal of a specific name or kind under any other name or description, or as the output of any mine other than the mine of which it is the product, and any person who shall violate any of the provisions of this section is guilty of a misdemeanor.

Penal Code, 1915, Deering, p. 174.

Sec. 381 (a1874). Penalty for putting extraneous substances in packages sold by weight to increase the weight; false tare.—Every person who, in putting up in any bag, bale, box, barrel, or other package, any hops, cotton, wool, grain, hay, or other goods usually sold in bags, bales, boxes, barrels, or packages by weight, puts in or conceals therein anything whatever, for the purpose of increasing the weight of such bag, bale, box, barrel, or package, with intent thereby to sell the goods therein or to enable another to sell the same, for an increased weight, is punishable by fine of not less than twenty-five dollars for each offense.

Penal Code, 1915, Deering, p. 736 (1893).

Short-weight butter.—Any person or persons, firm or corporation, who offers for sale roll-butter not of full weight to each roll, shall be guilty of a misdemeanor.

Stats., 1901, ch. 222, p. 660.

Sec. 1 (1901). Miner's inch.—The standard miner's inch of water shall be equivalent or equal to one and one-half cubic feet of water per minute, measured through any aperture or orifice.

Gen. Laws, 1915, Deering, Act 4383, p. 2119.

Sec. 1 (1903). Weighers at warehouses.—All persons now engaged in or who may hereafter engage in a general warehouse, wharfinger or storage business for the storage of grain or other commodities, which in the course of such business are weighed, shall, before they engaged in such business, or within sixty days after the appointment of an inspector of weights as provided in section 4 of this act, designate in writing a person or persons as weigher or weighers for such business at the place thereof, and the person or persons so designated shall thereupon, and before they shall do any weighing for such business subscribe, before an officer authorized to administer oaths, the following oath to wit: * * *

Sec. 2. Correct scales.—All persons engaged in the business in the foregoing section mentioned shall keep for and use in such business no other than true and correct scales and weights.

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No person, excepting the person or persons thus designated and subscribing and recording such oath shall do any of the weighing of such business.

Sec. 3. Correct scales; weights to conform to U. S. standard.—Every person engaged in the business in said section one mentioned, shall keep and use therein none but true weights, and scales; said weights must conform to the United States standard of weights.

Sec. 4. County inspectors.—The board of supervisors of the respective counties of the State of California, hereby are authorized to appoint for their respective counties an inspector of weights and measures, who shall hold office at the pleasure of said board and receive such compensation as each board may allow, and whose duty it shall be from time to time to test and examine all scales and weights kept or used in the business in the foregoing sections mentioned, and report all violations of this act to the district attorney of such county, whose duty it shall be to prosecute all violations hereof.

Sec. 5. Misdemeanor.—Every violation of this act shall be and is punishable as a misdemenor.

Sec. 6. Damages for short weight.—Besides the prosecution of the criminal actions herein provided for, every person defrauded by false or incorrect weighing shall be entitled to recover from the person owning or conducting such business as in the foregoing sections mentioned, in any court of competent jurisdiction, three times the amount of such shortage in weight of the grain or other commodity so delivered or taken out by him.

Gen. Laws, 1915, Deering, Act 1971, p. 801.

Sec. 1 (a1880). Logs, standard for measuring.—There shall be but one standard for the measurement of logs throughout this State.

Sec. 2. Logs, scale for measuring.—The following table, known as Spaulding's table for the measurement of logs, is hereby made the standard and table for the measurement of logs throughout this State, * * *.[2]

Gen. Laws, 1915, Deering, Act 2453, p. 1205.

Sec. 1 (1913). Net container act.—This act shall be known as the net container act.

Sec. 2. Purpose of act.—This act is designed to protect purchasers of any commodity within its provisions against deception as to the quantity or amount of the commodity purchased, and as against the seller shall be strictly construed with a view to effect its object.

Sec. 3, as amended by Stats. and Amendments, 1919, ch. 104, p. 145. Application of act.—The provisions of this act shall apply to foodstuffs and stuffs intended to be used or prepared for use as food or medicine for human beings and shall apply to any commodity when sold, offered or exposed for sale in containers.

Sec. 4. Net quantity plainly marked.—Whenever any of the commodities within the provisions of this act are sold, or offered or exposed for sale, in containers, the net quantity of the contents of the container shall be plainly and conspicuously marked, branded, or otherwise indicated on the outside or top thereof or on a label or tag attached thereto.

Sec. 5, as amended by Stats. and Amendments, 1919, ch. 104, p. 145. Designation of quantity.—The designation of the quantity of the commodity required by section four of this act shall be in terms of weight, measure or numerical count, subject however to the following provisions:

(*a*) The quantity of the contents so marked shall be the net amount of food or stuff or other commodity in the package or container.

(*b*) If the designation is by weight it shall be in terms of avoirdupois pounds and ounces; if the designation is in liquid measure it shall be in terms of the United States gallon of two hundred thirty-one cubic inches and its customary subdivisions, i. e., in gallons, quarts, pints, or fluid ounces: *Provided*, That, by like method, such designations may be in terms of the metric system of weight or measure.

(*c*) The quantity of solids shall be designated in terms of weight, and of fluids in terms of measure, except in case of an article in respect to which there exists a definite trade custom; in such case the designation shall be in terms of weight, or measure, or numerical count, in accordance with such custom.

(*d*) The quantity of the contents shall be designated in terms of weight or measure, unless the container be marked by numerical count and such numerical count gives acurate information as to the quantity of the food or other commodity in the package. When designation is by numerical count it shall be in English words or Arabic numerals.

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[2] The table has been omitted on account of its great length.

(*e*) The quantity of the contents may be stated in terms of minimum weight, minimum measure or minimum count, but in such cases the destination must approximate the actual quantity and there shall be no tolerance below the stated minimum.

(*f*) The quantity of viscous or semisolid foods, or of a mixture of solids and liquids, may be stated in terms of weight and measure. When products are packed in brine or other preserving fluids, the weight or measure of such brine or fluids shall not be included in the weight or measure of the edible or commodity indicated on the container.

Sec. 6, as amended by Stats. and Amendments, 1915, ch. 639, p. 1263. Wherein not applicable.—The provisions of this act shall not apply—

(*a*) To any sale of a commodity within the provisions of this act when such sale is made from bulk and the quantity is weighed, measured or counted for the immediate purpose of such sale.

(*b*) To a sale of any container of an ornamental or symbolic character with which a quantity of some commodity is sold as merely incidental.

(*c*) To a sale of a commodity in any container of a net weight of two ounces or less, or of a commodity in any container of a measure of two fluid ounces or less, or of a commodity in any container of a numerical count of six or less.

(*d*) To the sale of medicine, when prescribed by a licensed physician, veterinarian, or dentist; or to medicinal or pharmaceutical preparations or mixtures of two or more medicinal substances.

Sec. 7. Discrepancy due to unavoidable shrinkage, etc.—It shall not be held to be a violation of the provisions of this act when a commodity in a container is sold, or offered or exposed for sale, and there is a discrepancy between the actual quantity of the commodity in said container and the net quantity of the contents thereof indicated on the container as herein prescribed, provided such discrepancy is due to unavoidable leakage, shrinkage, evaporation, waste, or causes beyond the control of the seller acting in good faith.

Sec. 8. Discrepancy in commodity received by seller.—It shall not be held to be a violation of the provisions of this act when a commodity in a container is sold, or offered or exposed for sale, and there is a discrepancy between the actual quantity of the commodity in said container and the net quantity of the contents thereof indicated on the container as herein prescribed: *Provided*, That the seller purchased said commodity in said container, in good faith relying upon the said indication of the net contents thereof, and sold said commodity in said container without altering the contents thereof or the indication of the contents thereof: *And provided further*, That the exemption of this section shall not apply to any sale unless the container had the name of a packer, manufacturer, wholesaler, or jobber thereon at the time the seller purchased it.

Sec. 9. "Person."—The term "person" used in this act shall include every person, firm, company, copartnership, society, association and corporation.

Sec. 10, as amended by Stats. and Amendments, 1919, ch. 104, p. 145. Container defined.—The term container used in this act is hereby defined to be any receptacle or carton into which a commodity is packed, or any wrappings with which any commodity is wrapped or put for sale, or to be offered or exposed for sale. No containers,

boxes, or baskets wherein food products or other commodities are packed shall have a false bottom, or be so constructed as to facilitate the perpetration of deception or fraud.

Sec. 11. Penalty.—Every person, who by himself or his agent, servant or employee violates or causes or permits to be violated any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or shall be imprisoned in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

Sec. 12 as amended by Stats. and Amendments, 1915, ch. 639, p. 1263. Repealed; containers complying with U. S. requirements; enforcement.—All acts and parts of acts inconsistent with or in conflict with any of the provisions of this act are hereby repealed.

(*a*) It shall not be held to be a violation of the provisions of this act to sell or offer for sale any commodity contained in a container which complies with the provisions and requirements of any act of Congress or the opinions and regulations as issued by the Secretary of Agriculture and appertaining to net weight or measure.

(*b*) The enforcement of the provisions of this act shall be under the supervision of the State superintendent of weights and measures.

Stats. and Amendments, 1925, ch. 425, p. 924.

Sec. 4. Granding standards and regulations for eggs.—It shall be the duty of the State board of health to establish forthwith, and from time to time, specific grades or standards of quality and size or weight to govern the sale of eggs for human consumption, as permitted by this act, and to make rules and regulations for carrying out all its provision; *Provided, however*, That such grades or standards or quality shall not permit the sale of any eggs of poorer quality than permitted by the grading standards established from time to time by the United States Department of Agriculture, bureau of agricultural economics. All rules, regulations and standards of quality and weight, and supplementary changes therein as provided by this section, shall be filed in the office of the State board of health and shall be in effect 60 days after such filing.

Sec. 5. Notice of grade and size.—It shall be unlawful for any person to sell, or offer to sell or expose for sale to a consumer, any eggs other than those of his own production intended for human consumption without notifying by suitable sign or label the person or persons purchasing or intending to purchase the same of the exact grade or quality and the size or weight of such eggs, according to the standards prescribed by the State board of health.

Sec. 6. Seller's invoice.—Every person, in selling eggs to a retailer, shall furnish to said retailer an invoice showing the exact grade or quality and the size or weight of such eggs according to the standards prescribed by the State board of health. A copy of such invoice shall be kept on file by the person selling and by the retailer at their respective places of business for a period of thirty days, and shall be available for inspection at all reasonable times by accredited inspectors or representatives of the State board of health.

Sec. 7. Effect of guaranty.—No retailer shall be prosecuted under the provisions of this act when he can establish a guaranty from the person from whom any eggs are purchased, to the effect that said

eggs at the time of such purchase conformed to the grade or quality and the size or weight as stated in the invoice: *Provided*, Said eggs had been labeled by the retailer for resale in accordance with the purchase invoice: *And provided, further*, That said guaranty shall not exempt from prosecution any retailer who may have kept the eggs, covered by said guaranty for such time after their purchase or under such conditions as to cause said eggs to deteriorate into a lower grade or standard.

Sec. 8. Penalties.—Every person who violates any of the provisions of this act shall be guilty of a misdemeanor and upon conviction for the first offense shall be punished by a fine of not less than ten dollars nor more than one hundred dollars; for the second offense a fine of not less than fifty dollars nor more than two hundred dollars; for the third and subsequent offense by a fine of not less than one hundred dollars nor more than three hundred dollars or by imprisonment in the county jail for not less than thirty days nor more than ninety days. All fines collected for violation of this act shall be paid to the county treasurer of the proper county, who shall remit the same to the State treasurer of the State of California and said moneys shall be placed to the credit of the general fund for enforcement of this act, the same to become immediately available, and to be paid out upon the presentment of vouchers issued by the secretary of the State board of health.

Sec. 9. Effect of act.—This act and each section and subsection thereof shall take precedence over all acts and parts of acts at variance or conflicting herewith in the matter of quality standards, grading, classification and labeling of eggs intended for human food.

Stats. and Amendments, 1919, ch. 355, p. 750.

Sec. 1. "Baler" and "presser" defined.—The term "baler" or "presser" as referred to in this act shall mean the person, firm, association, or corporation owning or having possession of or operating a hay press.

Sec. 2. Scales to be tested and sealed.—Any person baling hay for compensation shall employ scales that have been tested and sealed by the sealer of weights and measures and any record of weight forming the basis in settlement for baling hay shall be the true net weight of the baled hay; and any record of weight forming the basis of settlement in the sale or purchase of baled hay shall be the true net weight of such baled hay.

Sec. 3. Falsely increasing weight.—No baler or presser of hay shall put or conceal in any such bale of hay anything whatever for the purpose of increasing the weight of such bale with intent to defraud.

Sec. 4. Standard weight.—Hay when sold, offered, or exposed for sale shall be sold by avoirdupois weight and a ton shall consist of two thousand pounds net weight: *Providing, however*, That hay may be sold by the bale in which case the net weight of the bale shall be indicated on a tag securely fastened to the bale.

Sec. 5. Broken bales.—When any hay is shipped by a common carrier in bales and where such bales become broken, the approximate weight of such broken bales shall be included in the total weight of the hay shipped.

Sec. 6. Penalty.—Any person, firm or corporation, violating any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars or more than one hundred dollars.

Stats. and Amendments, 1925, ch. 350, p. 625.

Sec. 1. Title of act.—This act shall be known, and for any and all purposes may be designated and referred to, as "the California fruit and vegetable standardization act of 1925."

Sec. 2. Standards for fruits, nuts, and vegetables established.—To promote the development of the California fresh fruit, nut and vegetable industry and to prevent deception in the packing, shipping or sale of fruits, nuts and vegetables for State or interstate shipment, there are hereby created and established certain standards and standard packages for walnuts, avocados, apricots, berries, cantaloupes, cherries, grapes, melons, oranges, peaches, pears, plums, prunes, quinces, head lettuce, onions, potatoes, sweet potatoes, and tomatoes.

Sec. 4. Enforcement of act; additional grades and rules; additional standard packages; change of rules, etc.—The director of agriculture is hereby empowered, through his duly authorized agents, and the county horticultural commissioners of each county of the State, their deputies and inspectors, to enforce all the provisions of this act. The director of agriculture shall have supervision and control over all enforcing officers of this act in the State of California. The refusal of any officer to carry out the orders and directions of the director of agriculture in the enforcement of this act shall be deemed neglect of duty. The director of agriculture is also empowered to establish and enforce such additional grades and grading rules as may be deemed necessary on fruits, nuts, and vegetables, which shall not conflict with any provided for in this act, after a thorough investigation has been made of the needs of the particular fruit or vegetable for which grades are contemplated. Such grades or grading rules must, before they become effective, be approved in one or more public meetings attended by representative growers and shippers of the locality interested in the industry affected. Such meetings shall be advertised at least once in a newspaper published in that locality one week or more prior to the meetings; said meetings shall be presided over by the director of agriculture, or any of his duly authorized agents, and shall, in so far as possible and practicable, be conducted at such place or places that can be conveniently reached by representatives of the affected industry. In like manner the director of agriculture may provide for standard packages other than those provided for in section seven of this act. Grades and grading rules established in accordance with the provisions of this section shall not be modified during the current shipping season of the fruits or vegetables for which such grades were established excepting as hereinafter provided, nor shall standard packages be changed without two years notice to the industry involved. On receipt of a written appeal signed by at least twenty-five representative growers and shippers of the commodity for which grades, grading rules or standard packages have been established under the provisions of this section, protesting against the grades, grading rules or standard pack-

ages so established, the director of agriculture shall call a hearing within ten days after the receipt of such an appeal. Due notice shall be given by the director of agriculture to all interested parties of the date and place of such hearing and the grades, grading rules or standard packages established shall be sustained, modified, or revoked in the discretion of the director of agriculture on the basis of the evidence presented. If such grades, grading rules or standard packages are not changed or modified by the director of agriculture in accordance with the provisions of this section they shall continue to be in full force and effect. Grades, grading rules and standard packages established under the provisions of this section shall be promulgated by the director of agriculture, published in one or more newspapers and farm journals of general circulation in the State of California. * * *

Sec. 6. Definitions.—When used in this act the words herein mentioned shall be defined as follows: "Packages" shall mean any box, crate, lug, basket, barrel, drum, sack, or other container used for packing, shipping or selling fruits, nuts or vegetables. "Pack, packing or packed," shall mean the regular compact arrangement of all or part of the fruit or vegetables in any container or subcontainer used for the purpose of sale or transportation for sale. "Deceptive pack" shall mean any package of fruits, nuts or vegetables, which has in the outer layer or the exposed surface fruits, nuts or vegetables which are so superior in quality, size or condition to those in the interior of the package, or the unexposed portion, as to materially misrepresent the entire contents. * * * "Container" shall mean any box, crate, or other package utilized in handling nuts or fresh fruit or vegetables. "Subcontainer" shall mean any basket or other receptacle used within a container. * * *

Sec. 7. Standard packages; apricot, plum and grape basket; berry baskets; other standard containers; lettuce crates; cantaloupe crates.—Standard packages are hereby established as follows:

(1) Standard apricot, plum and grape basket, approximately eight inches square on top, six and one-half inches on bottom, and four inches deep, inside measurements.

(2) Standard berry baskets, dry pint containing an interior capacity of approximately thirty-three and six-tenths cubic inches and dry one-half pint containing interior capacity of approximately sixteen and eight-tenths cubic inches: *Provided*, That the standard basket for strawberries shall be the dry pint.

	Depth inside in inches	Width inside in inches	Length outside in inches
(3) Standard cherry box	2¼	9	19¾
(4) Special cherry lug	3	9¾	19¾
(5) Standard cherry lug	4½	9	19¾
12-basket cherry crate	2⅞	13½	19½
(6) Special cherry lug	3	11½	19¾
Peach size cherry lug	4	11½	19¾
Standard peach box	4¼	11½	19¾
Standard peach box or half pear box	4½	11½	19¾
Standard peach box	4¾	11½	19¾
Standard pear box	8½	11½	19¾
(7) Special fruit lug	4	13¾	17½

	Depth inside in inches	Width inside in inches	Length outside in inches
(8) Special fruit lug (No. 3)	4¼	13¾	17½
With heavy cleat 11/16 of an inch by 11/16 of an inch.			
(9) Special fruit lug (No. 2)	4¾	13¾	17½
With heavy cleat 11/16 of an inch by 11/16 of an inch.			
(10) California lug box (No. 1)	5¾	13¾	17½
Special sawdust pack grape lug		13¾	17½
Depth inside in inches not less than 7½ nor more than 7¾.			
(11) Standard crates	4¼	16	17½
Do	4½	16	17½
Do	4¾	16	17½
(12) Standard grape drum	14	15½	
Containing 2,642 cubic inches.			
(13) Standard grape keg			
Containing 2,642 cubic inches minimum.			

(14) Standard lettuce crates, depth, inside in inches, thirteen; width, inside in inches, eighteen; length, inside in inches, not less than twenty-one and three-fourths; length outside in inches not more than twenty-four and one-half.

Inside length of lettuce crates shall be considered between end slats, excepting that if flat end posts wider than one and one-half inches are used, the inside length shall be considered between the posts.

(15) Standard cantaloupe crates, twelve inches by twelve inches by twenty-two and one-half inches, to be packed with thirty-six or forty-five cantaloupes; four inches by twelve inches by twenty-two and one-half inches, to be packed with nine, twelve or fifteen cantaloupes; eleven inches by eleven inches by twenty-two and one-half inches, to be packed with forty-five or fifty-four cantaloupes; thirteen inches by thirteen inches by twenty-two and one-half inches, to be packed with thirty-six or forty-five cantaloupes; four and one-half by thirteen and one-half by twenty-two and one-half inches, containing nine, twelve or fifteen cantaloupes. All cantaloupe packs other than those provided in this section shall be conspicuously marked in letters not less than one-half inches in height "irregular pack."

Sec. 8. Labels on containers; walnut sacks; subcontainers; net weight; "face and fill."—All containers of fruit of a kind specified in this act, except subcontainers, when packed, and of walnuts when sacked for shipment or sale, shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of the orchard or place where the same was produced, with the post-office address thereof or the name and post-office address of the person, firm, company or corporation, or organization who shall have first packed or authorized the packing of same, or the name under which such packer shall be engaged in business, together with the post-office address of such packer; name of variety, if known, and when not known the words "unknown variety"; net weight, excepting oranges, and the approximate number of fruits in the container or subcon-

tainer, which number shall be within four of the true count: *Provided*, That in lieu of the approximate number of fruits, the numerical description of pack may be used, excepting that no designation relative to number or count shall be required in the case of walnuts, grapes, cherries, or berries: *And provided further*, That no container or subcontainer shall have less than the minimum stamped thereon. When two or more varieties are packed or placed in a container, they shall be labeled "Mixed varieties." In addition to the other marks required, all packages of walnuts when sacked for shipment or sale, shall be plainly and conspicuously marked in letters not less than one and one-half inches in height, in the English language, with the name of the State or of the foreign country where the nuts were produced.

All containers of packed vegetables of a kind specified in this act, when packed or offered for sale, shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of place where the same was produced, with the post-office address thereof, or the name and post-office address of the person, firm, company or corporation, or organization who shall have first packed or authorized the packing of same, or the name under which such packer shall be engaged in business, together with the post-office address of such packer; and in the case of tomatoes the net weight. All crates of lettuce, in addition to the markings required above, shall be conspicuously stamped or stenciled, on the outside thereof, in figures not less than one-half inch in height, with the exact number of heads contained therein, provided that, in the case of crates marked "irregular pack," the contents may vary not more than three heads from the count as marked.

Standard or other containers when used as subcontainers are exempt from the provisions regarding marking, when the container in which they are placed is marked in compliance with the terms of this section. No containers or subcontainers of fruits, nuts, or vegetables shall bear grade or other designations that are in any way false or misleading. Nothing in this act shall be construed to conflict with any California or Federal regulations regarding net weight markings on containers or subcontainers.

Containers in which the fruit in the top layer only is placed in regular compact arrangement, excepting cherries, berries, and grapes, shall be labeled "Face and fill" in lieu of the approximate number of fruits.

Sec. 9. Fresh fruits and vegetables to be sold in standard containers.—All fresh fruits and vegetables of the kinds specified in this act, except such as shall be used in the manufacture of by-products, when prepared or offered for sale or sold, shall be packed or placed in standard containers, which are hereby established, and shall conform to all provisions of this act: *Provided*, That, with the exception of berries, other sized containers may be used if conspicuously marked in letters not less than one-half inch high "Irregular container": *Provided, further*, That in the case of avocados, oranges, onions, potatoes, and sweet potatoes, for which standard packages are not established in this act, the packages used shall not be required to be marked "Irregular container."

Sec. 11. Inspectors.—The horticultural commissioner of each county, his deputy and inspectors, shall be, by virtue of their office,

inspectors of fruits, nuts, and vegetables under this act in their respective counties.

Sec. 12. Powers and duties of enforcing officers.—All enforcing officers under the provisions of this act shall have power to enter and to inspect every place within the county for which they have been appointed where any fruits, nuts or vegetables are produced, stored, packed, shipped, delivered for shipment, offered for sale or sold, and to inspect such places and all such fruits, nuts and vegetables and the containers thereof and equipment found in any such places, or when being transported. It shall be the duty of all enforcing officers mentioned in this act, to carry out the provisions of this act in their respective districts, and to cause the prosecution of any person, firm, corporation or organization, whom they know or have reason to believe to be guilty of the violation of any of its provisions. Any enforcing officer in the performance of his duties shall have the same powers possessed by peace officers of the city, county, or State, and shall have the right while exercising such police powers to seize and hold as evidence part or all of any pack, load, consignment or shipment of fresh fruits, nuts or vegetables packed, shipped, delivered for shipment, offered for sale or sold in violation of this act, as may in his judgment be necessary to secure the conviction of the party he knows or believes has violated or is violating any of the provisions of this act. He may start proceedings in any court of the county, or city and county, within his jurisdiction to secure the conviction of the party or parties who have violated any of the provisions of this act. It shall be the duty of the district attorney of said county, or city and county, in which any violation of this act may occur, to prosecute the person, firm, company, organization or corporation accused of such violation and also, at the request of the director of agriculture or his duly authorized agents, to institute and prosecute such action as may be authorized under the provisions of this act.

Sec. 14. Penalties.—It shall be unlawful for any person, firm, company, organization or corporation to pack or cause to be packed for sale or shipment, import, sell, offer for sale, or deliver for shipment any of the fresh fruits, nuts or vegetables specified in this act that do not conform to the standards herein provided. It shall also be unlawful to prepare, sell or offer for sale, a deceptive pack of fresh fruits, fresh vegetables, nuts, dried fruits or dried vegetables, or to mislabel any package of such fruits, nuts or vegetables. Any person, firm, company, corporation or organization who shall violate any of the provisions of this act shall be deemed to be guilty of a misdemeanor.

Sec. 15. Rules by director of agriculture.—The director of agriculture is empowered to define, promulgate and enforce such rules and regulations as may be deemed necessary to carry out the provisions of this act, and to prescribe the limits of tolerance within which deviations from the standard dimensions set forth in section seven shall be permitted.

Stats. and Amendments, 1925, ch. 58, p. 131.

Sec. 2. Standard grades; standard container; irregular container.—The following standard grades and standard box are hereby estab-

lished for apples, packed, shipped, delivered for shipment, offered for sale or sold, in the State of California.

* * * * * * *

(*d*) The standard container shall be a box of the following dimensions, inside measurements, when measured without distention of parts: Depth of end ten and one-half inches; width of end eleven and one-half inches; length of box eighteen inches, and having a cubical content of as nearly as possible two thousand one hundred seventy-three and one-half cubic inches.

(*e*) All packed apples, when shipped, offered for sale or sold, shall be placed in the standard box herein described: *Provided, however*, That other size containers may be used (except where the words "Extra fancy" are used as the grade designation) if conspicuously marked in letters not less than one-half inch high "Irregular container."

Sec. 3. Statement on container.—Every packed container of apples shipped, delivered for shipment, offered for sale or sold, in the State of California, shall bear upon the outside thereof, and on the end, in plain words or figures and in the English language, the following: * * *; the number of apples contained in the package, or the minimum net weight of the apples contained therein, or the cubical contents of the package; * * * the name and business address of the person, firm, company, organization or corporation, who first packed or caused the same to be packed, and if repacked, the name and business address of the person, firm, company, organization or corporation who repacked the same or caused same to be repacked; the date when such apples were first packed, or if repacked, the date of repacking, and on each container of apples which have been held in cold storage for more than thirty days after being packed a statement showing the fact that the contents have been held in cold storage: *Provided, however*, That a variation of five apples, more or less, than the number stated, shall be allowed.

Stats. and Amendments, 1925, ch. 421, p. 907.

Sec. 1. Short title.—This act shall be known and for any and all purposes may be designated and referred to as the "California canned fruit standardization act."

Sec. 2. Purpose of act.—To promote the development of the California fruit industry and to prevent deception in the packing, shipping and sale of canned fruit, there are hereby created and established certain standards of quality and size and requirements for marking of the varieties of canned fruits hereinafter referred to.

Sec. 3. Standard sizes of cans.—For the purposes of this act the following are hereby declared and established as the standard sizes of cans for canned fruits of the varieties mentioned in this act, packed, shipped, delivered for shipment, offered for sale or sold in the State of California, to wit:

(*a*) Picnic, which is hereby defined as a cylindrical can two and eleven-sixteenth inches in diameter and four inches in altitude;

(*b*) No. 1 flat, which is hereby defined as a cylindrical can four inches in diameter and two and three-eighth inches in altitude;

(*c*) No. 1 tall, which is hereby defined as a cylindrical can three inches in diameter and four [and] twenty-one thirty-second inches in altitude;

(*d*) No. 2 tall, which is hereby defined as a cylindrical can three and three-eighth inches in diameter and four and fifteen thirty-second inches in altitude;

(*e*) No. 2½ tall, which is hereby defined as a cylindrical can four inches in diameter and four and eleven-sixteenth inches in altitude;

(*f*) No. 10 tall, which is hereby defined as a cylindrical can six and one-eighth inches in diameter and six and fifteen-sixteenth inches in altitude;

Stats. and Amendments, 1923, ch. 254, p. 509.

Sec. 4. Unlawful sale, etc., of condensed or evaporated skim milk.—It shall be unlawful for any person, firm or corporation, by himself, his servant or agent, or as the servant or agent of another, to sell or exchange or expose for sale or exchange, or have in possession with intent to sell or exchange, any condensed or evaporated skim milk in containers containing less than ten pounds avoirdupois. All hermetically sealed containers containing condensed or evaporated skim milk must bear the name and address of the manufacturer, distinctly branded, indented, labeled or printed thereon, together with the words "Condensed skim milk" in roman letters of a size at least as large as any other words or letters appearing on said brand, indentation or label.

Stats. and Amendments, 1919, ch. 327, p. 551.

Sec. 3. Label for parcels.—Every lot or parcel of commercial feeding stuffs sold, offered or exposed for sale or distributed within this State shall have affixed thereto a tag or label, in a conspicuous place on the outside thereof, containing legible and plainly printed statement in the English language, clearly and truly certifying:

(*a*) The net weight of the contents of the package, lot or parcel;

(*b*) The name, brand or trade-mark;

(*c*) The name and principal address of the manufacturer or person responsible for placing the commodity on the market. * * *

Gen. Laws, 1915, Deering Act 473, p. 139.

Sec. 4 (1911). Liquid gallon measure for milk.—No person, firm or corporation shall hereafter sell, offer for sale, or receive for the purpose of sale, any milk, skim milk or cream, except such sale, offer, or receipt, shall, as to quantity, be based upon the liquid gallon, containing two hundred and thirty-one cubic inches, or the liquid quart containing fifty-seven and seventy-five one hundredths cubic inches, or the proper and complete liquid subdivision thereof: *Provided*, That nothing in this act shall be construed as prohibiting the buying or selling of milk or cream either by weight or on the basis of its butter fat contents: *And provided, further*, That in any hotel, restaurant, or other eating place, where milk is sold with meals, or where it is sold to be drunk immediately, it may be sold by the glass.

Sec. 5 (a1915). Butter must be sold in terms of pounds.—* * * It shall be unlawful for any person, firm or corporation to sell, offer for sale, or to cause or permit to be sold or offered for sale, any butter in prints or packages or otherwise other than by or in terms of pounds and ounces, avoirdupois, or for a greater weight than the true net weight thereof.

Stats. and Amendments, 1921, ch. 608, p. 1043.

Sec. 3. Mattresses must be labeled.—No person or corporation, by himself, or his agents, servants, or employees, shall directly or indirectly, at wholesale or retail, or otherwise, sell, offer for sale, deliver, or consign, or have in his possession with intent to sell, deliver or consign, any mattress that shall not be plainly and indelibly stamped or printed thereon, or upon a muslin or linen tag, not smaller than three inches square, securely sewed to the covering thereof a statement, in the English language, setting forth the kind or kinds of materials used in filling the said mattress, and whether the materials are in whole or in part, new or old, or second-hand, or shoddy, and the name and address of the manufacturer or vendor thereof, or both; also the quantity of such materials used, expressed in terms of avoidupois weight; also size of same, expressed in linear measure, clearly indicating the length and breadth thereof, except that tags attached to comforters need state only the percentage of new material and (or) shoddy material, and that no sizes need be marked on same.

Sec. 11. Form of label.—The statement required under section three of this act shall be the following form:

MATERIALS USED IN FILLING

Percentage of kinds of materials_____
Gross weight of materials, including cover_____pounds__
Vendor_____
Address_____

This article is made in compliance with the act of the State of California, approved the _____ day of _____

Sec. 13. Unit for separate offense.—The unit for a separate and distinct offense in violation of this act shall be each and every mattress made, remade, renovated, sold, offered for sale, delivered, consigned, or possessed with intent to sell, deliver or consign, contrary to the provisions hereof. No provisions of this act shall apply to merchandise manufactured for use and sale outside of the State of California, excepting section two, relating to the sterilization of second-hand or shoddy materials.

Sec. 15. Enforcement.—The enforcement of the provisions of this act shall be under the supervision of the State superintendent of weights and measures.

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Comp. Laws, 1921, ch. 71, p. 1166.

Sec. 4109 (1891). Standard.—That the weights and measures accepted and used by the Government of the United States at the present time, except as hereinafter provided, shall be deemed the lawful standard of weights and measures of the people of this State.

Sec. 4110. Ton.—The ton shall be twenty hundred pounds weight, avoirdupois.

Sec. 4111. Weight per bushel; bushel for charcoal; perch of stone; perch of brickwork; size of brick; inch of water, irrigation measure; inch of water.—Sixty pounds of wheat, fifty-six pounds of rye, fifty-six pounds of Indian corn, seventy pounds of corn in the ear, forty-eight pounds of barley, thirty-two pounds of oats, sixty pounds of potatoes, sixty pounds of beans, sixty pounds of clover seed, forty-five pounds of timothy seed, forty-four pounds of hemp seed, fifty-two pounds of buckwheat, fourteen pounds of blue grass seed, fifty pounds of corn meal, fifty-seven pounds of onions, eighty pounds of salt, eighty pounds of lime, eighty pounds of mineral coal, respectively, shall be the standard weight of a bushel of each of the foregoing articles; and twenty-five hundred cubic inches of charcoal shall be the standard measure of a bushel; and a perch of stone in mason work shall be considered sixteen and one-half cubic feet; and for brick work measure, when laid up in wall, shall be counted twenty-two brick per cubic foot for foot wall, and fifteen brick for what is known as eight-inch wall; a common brick to be eight and one-half inches in length, four and one-quarter inches in width, and two and three-eights inches in thickness; and water sold by the inch by any individual or corporation shall be measured as follows, to wit: Every inch shall be considered equal to an inch square orifice under a five-inch pressure, and a five-inch pressure shall be from the top of the orifice of the box put into the banks of the ditch, to the surface of water; said boxes, or any slot or aperture through which such water may be measured, shall in all cases be six inches perpendicular, inside measurement, except boxes delivering less than twelve inches, which may be square, with or without slides; all slides for the same shall move horizontally and not otherwise; and said box put into the banks of ditch shall have a descending grade from the water in ditch of not less than one-eighth of an inch to the foot.

Sec. 4112. Treasurer to procure standard.—It shall be the duty of the treasurer of this State to procure as soon as possible from the proper department of the Federal Government, all necessary weights and measures for the use of the State, and as soon as he shall receive them, to give public notice through two or more newspapers, for thirty days, to each and every board of county commissioners in the State, to obtain copies or duplicates of said weights and measures.

Sec. 4113. Dealers to compare with standard.—That all vendors and traders in goods, wares and merchandise, gold dust and other articles of traffic shall, within ninety days after the reception of the standards by said commissioners, have their balances, weights and measures compared with said standards of their respective counties, and approved and marked by the county inspector, and if the same are found to be correct, to be sealed with the name or the initial letters of the county inscribed thereon, or condemned by him if found incorrect.

Sec. 4114. Appointment of inspector.—That on the first regular meeting of the board of county commissioners in each county in this State, after the passage of this chapter, and thereafter annually, on the first regular monthly meeting of every year, said county commissioners shall appoint a fit and proper person, who shall be styled inspector of weights and measures, and shall give bond to the county for the faithful performance of the duties of his office, as said commissioners may direct.

Sec. 4115. Fees of inspector.—That each county board shall make out a list of fees to be charged by said inspector, and which fees when charged shall be recoverable in any court, as any other debt or account is recovered.

Sec. 4116. Inspector's tools.—That it shall be the duty of each county board, as aforesaid, to furnish to each inspector all the necessary tools, marks and brands which he may require, to be paid for out of the county funds.

Sec. 4117. Wrongful selling, penalty.—All persons, for the purpose of weighing or measuring goods, wares, merchandise, water or other articles of traffic, actually sold by him, not in accordance with this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof may be imprisoned not exceeding one year, or fined not exceeding one thousand dollars, at the discretion of the court in which the conviction shall be obtained.

Sec. 4118. Inspector's duty.—Whenever it shall come to the knowledge of the inspector that any person within his county has violated any of the provisions of this chapter, it shall be his duty to enter a complaint against him before some magistrate having jurisdiction of the offense thereof, to the end that the offender may be punished and fined according to this law.

Sec. 4119. Fines paid into county treasury.—All fines imposed and collected for violation of the provisions of this chapter shall be paid into the county treasury for the use of the people of the county in which the offense was committed.

Sec. 4120 (1893). Retailer of coal or coke to furnish certificate.—All persons retailing coal or coke in cities of the first or second class, and incorporated towns, whether existing under special charter or otherwise, shall furnish the consignee or purchaser of coal or coke to the amount of one-quarter (¼) of a ton or more, a certificate of weight signed by the owner or agent of official city or town scales.

Sec. 4121. What certificate shall state.—The certificate as aforesaid shall plainly state the net weight of the wagon or cart on which the coal or coke is loaded, the net weight of the coal or coke on the said wagon or cart, the total weight of the coal or coke and wagon or cart, the license number and name of the driver delivering the

coal or coke, the name of the dealer, the name of the weightmaster, and the street number of the location of the scales where the certificate may be issued.

Sec. 4122. Penalty, short weight, false certificate.—Any dealer or driver of any wagon or cart delivering coal or coke without the official certificate of the owner or agent of an official city or town scales shall, on conviction, be fined not less than twenty (20) dollars and not over one hundred (100) dollars, together with the costs of suit, for each and every offense. Any driver of a wagon or cart, who may be found delivering coal or coke of a less weight than the certificate calls for, shall, on conviction, be fined not less than thirty (30) dollars or confined one (1) month in the county jail, or both, at the discretion of the court, together with the costs of the suit, for each and every offense. Any owner or agent of any official city or town scales who may be found giving a false certificate of the weight of any coal or coke to be delivered, shall, on conviction, be fined not less than fifty (50) dollars and not more than one hundred (100) dollars, together with costs of suit, for each and every offense.

Sec. 4123. Justice direct district attorney to prosecute.—It shall be the duty of the justice of the peace, to whom a complaint is made, of any violation of this act, to direct the district attorney in his district, to institute and prosecute any and all suits for any violation of this act.

Sec. 4124. Fines paid into county treasury.—All suits and prosecutions for a violation of any provisions of this act shall be in the name of the people of the State of Colorado, and all moneys arising therefrom shall be paid into the county treasury, by the justice of the peace, or other officer collecting the same in the county where the suit is brought.

Sec. 4125 (1915). Standard container for small fruits and berries; sale of other unlawful; when container must be marked "Short measure."—That on and after the first day of November, 1915, A. D., it shall be unlawful for any person, firm or corporation to sell or offer for sale baskets or other open containers for small fruits or berries, filled or unfilled, within the State of Colorado, which shall contain when even full less than one dry quart or sixty-seven and two-tenths (67.2) cubic inches, one pint which shall contain when even full less than thirty-three and six-tenths (33.6) cubic inches, one-half pint which shall contain when even full less than sixteen and eight-tenths (16.8) cubic inches, or multiples of the dry quart: *Provided*, That nothing herein contained shall prevent the sale of baskets or other open containers for small fruits or berries, filled or unfilled, of smaller than the above sizes if the basket or container is stamped with letters at least three-fourths (¾) of an inch in height, "Short measure" on both ends or both sides, and also stating the cubical contents of such basket or other open container.

Sec. 4126. Unlawful sale of container a misdemeanor.—That any person, firm or corporation who shall violate any provision of this act shall be guilty of a misdemeanor, and for each offense upon conviction thereof, be fined not to exceed one hundred (100) dollars, or sentenced to the county jail for not more than twelve (12) months, either or both, in the discretion of the court.

Sec. 4127. District attorney prosecute violations.—That it shall be the duty of each district attorney within the State of Colorado to whom any sealer of weights and measures, or other officer in the State, shall present satisfactory evidence of any violation of this act, to cause appropriate proceedings to be commenced and prosecuted in a court of competent jurisdiction, for the enforcement of the penalties herein provided.

Comp. Laws, 1921, ch. 153, p. 1724.

Sec. 6939 (1903). False weights, penalty.—If any person shall knowingly have, keep or use any false or fraudulent scales or weights for weighing gold or gold dust or any other article or commodity, every such person so offending shall, on conviction, be fined not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months.

Sec. 6940. False weights at mill, penalty.—If any person shall knowingly sell by false weights or measures, or shall knowingly use false measures at any mill, in taking toll for grinding corn, wheat, rye or other grain, he shall be deemed a common cheat, and on conviction shall be fined not less than two hundred dollars and be imprisoned in the county jail not exceeding three months.

Comp. Laws, 1921, ch. 53, p. 1017.

Sec. 3354°. False weights or scales.—Any person, association or corporation, or the agent of any person, association or corporation engaged in the business of milling, sampling, concentrating, reducing, shipping or purchasing ores, as aforesaid, who shall keep or use any false or fraudulent scales or weights for weighing ore, or who shall keep or use any false or fraudulent assay scales or weights for ascertaining the assay value of ore, knowing them to be false, every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding one thousand (1,000) dollars, nor less than one hundred (100) dollars, or imprisonment not more than one year, or both, at the discretion of the court.

Comp. Laws, 1921, ch. 32, p. 461.

Sec. 1185 (1905). Ton of coal in solid.—Any person, association, copartnership or corporation leasing and operating coal lands under the provisions of this act shall pay to the deputy register of the State board of land commissioners a minimum price of not less than fifteen (15) cents for each and every ton of coal mined from said land * * *. The term ton, as herein used, means twenty-seven (27) cubic feet of coal, measured in solid, and shall be ascertained by the measurements of the space from which the coal is mined, deducting therefrom all spaces occupied by slate or other impurities. * * *

Comp. Laws, 1921, ch. 35, p. 577.

Sec. 1813 (1889). Water by cubic foot.—The State engineer shall use in all his calculations, measurements, records and reports, the cubic foot per second as the unit of measurement of flowing water, and the cubic foot as the unit of measurement of volume.

Comp. Laws, 1921, ch. 173, p. 2287.

Sec. 8987 (a1908). Powers of city council and board of trustees; meats—poultry—provisions; bread; public scales; coal and hay to be weighed, when; inspections—weights, measures; enforce proper measures and weights; auctioneers—scales—lumber yards, etc.—The city council and board of trustees in towns shall have the following powers: * * *

Twenty-first. To regulate the sale of meats, poultry, fish, butter, cheese, lard, vegetables and all other provisions, and to provide for place and manner of selling the same.

Twenty-second. To regulate the sale of bread in the city or town, prescribe the weight and quality of the bread in the loaf.

Twenty-fourth. To provide for and regulate public scales and to require the vendors of coal, hay, and like articles of merchandise, when requested so to do by the purchaser of such articles, [to] weigh the same upon the public scales before delivering the same to their customer or vendees.

Twenty-fifth. To provide for the inspection and sealing of weights and measures.

Twenty-sixth. To enforce the keeping and use of proper weights and measures by vendors.

Sixty-first. To tax, license and regulate * * * public scales, * * *

Sec. 9005°. Cities, first class, 15,000; second, 10,000; towns, 2,000 or less.—Every municipal corporation having a population of fifteen thousand and upwards shall be a city of the first class; every municipal corporation having a population exceeding two thousand, and less than fifteen thousand, shall be a city of the second class; and every municipal corporation having a population of two thousand or less shall be deemed an incorporated town.

Sec. 9026 (a1893). Additional powers of cities of the first class.—That the city council in cities of the first class shall have the following additional powers, to wit: * * *

Fifth. To provide for the inspection, weighing and measuring of lumber and other building material and for the measuring of all kinds of mechanical work.

Ninth. To provide for and to regulate public sales and to require the vendors of coal, hay, and like articles of merchandise, when requested so to do by the purchasers of such articles, to weigh the same upon such public scales before delivering the same to their customers or vendees.

Comp. Laws, 1921, ch. 55, p. 1082.

Sec. 3628 (1915). Inspection and sealing of measuring devices; unlawful to tamper with seal; incorrect device prima facie evidence.—No person, firm or corporation, or agent or employee of any person, firm or corporation, shall use any mechanical device for the measurement of oil or gasoline, unless the same has been sealed as correct and the sealing approved by the State oil inspector or his deputies in writing. Any person, firm or corporation, or agent or employee of any person, firm or corporation, who shall change or in any way tamper with the said seal shall be subject to the penalties herein-

after provided. The having in one's possession an incorrect measuring device shall be deemed to be prima facie evidence of a violation of the laws.

Sec. 3629. Unlawful to mislabel paints, etc.—Whoever shall expose for sale, or sell within this State, any paint, varnish, filler or stain which is labelled or marked in any manner so as to tend to deceive the purchaser as to its nature or composition, or which is not accurately labelled, shall be guilty of a misdemeanor and shall be subject to the fines and penalties as hereinafter provided.

Sec. 3630. What label on paints shall state.—The label required by this act shall clearly and distinctly state the name and residence of the manufacturer of the point, varnish, filler or stain, or the distributor thereof, or of the party for whom the same is manufactured, said label to clearly state in addition to the before-mentioned matter, the quantity contained in the package; this in the case of liquid or mixed paints, varnishes, fillers, or stains to be designated in United States standard gallons or fractions thereof. In case of paste or semipaste paints, such as are commonly sold by weight, to be shown by weight avoirdupois. Said label shall be printed in the English language in plain, legible type.

Comp. Laws, 1921, ch. 30, p. 436.

Sec. 1002 (1907). Misbranded defined—article deemed misbranded.—* * * For the purposes of this act an article shall also be deemed to be misbranded: * * *

In case of food; * * *

Third. If in package form and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package. * * *

Comp. Laws, 1921, ch. 50, p. 963.

Sec. 3082 (1913). Bricks, prints, rolls—size; wrapped and sealed; stamped; manner of fixing seals; original packages; retailer's package branded; brands must be plainly visible at time sale; color of ink for brand; violations; fines.—No such substance [oleomargarine] shall hereafter be sold, offered for sale, or exposed for sale unless it be put up by manufacturers in bricks, prints, or rolls or one-half of one pound, one, two, or three or five pounds, and in no other larger or smaller sub-divisions. Such bricks, prints or rolls shall be wrapped and sealed and upon such seal shall be plainly printed the name and address of the manufacturer of said oleomargarine, and the said package shall be plainly and conspicuously labeled with the word "Oleomargarine" in Gothic or equally conspicuous letters at least three-eighths of an inch high. Said seals shall be so affixed to the one-half of one pound, one, two, three and five pound bricks, prints or rolls as to seal the wrappers thereof so that such wrappers or cover may not be opened without destroying the seal affixed thereto. Said bricks, prints or rolls may be packed by the manufacturer thereof in wooden or other packages or containers, each containing not less than ten pounds. All sales made by manufacturers of oleomargarine and wholesale dealers in oleomargarine shall be in the original manufacturer's packages, as described above, in quantities of ten pounds or more at one time. Retail dealers in oleomargarine shall sell only from the manufacturer's original packages and in the manu-

facturer's sealed, subdivided packages, to-wit, one-half of one pound, one, two, three or five pound bricks, prints or rolls, and in quantities of ten pounds, or less, at one time.

Each retailer's wooden or paper package must have the name and address of the dealer printed or branded thereon, likewise the words "Pound" and "Oleomargarine," in letters not less than one-quarter of an inch square, and the quantity written, printed, or branded thereon in figures of the same size (one-quarter of an inch square), substantially as follows:

1_____
2_____
3_____
_____POUNDS
OLEOMARGARINE.

1. Here give dealer's name. 2. Here give street number. 3. Here give name of city or town.

The words "Oleomargarine" and "Pound," which are required to be printed or branded on retailers' wooden or paper packages, in letters not less than one-quarter of an inch square, and the quantity which is required to be written, printed, or branded thereon in figures of like size, must so be placed as to be plainly visible to the purchaser at the time of delivery to him. Illegible or concealed marks and brands are not those contemplated and required by the law and regulations. It will not be deemed a compliance with this regulation if the word "Oleomargarine" and the other required words and figures shall be illegibly branded or printed, or so placed as to be concealed from view, by being on the inside of the package, or by folding in the stamped portion of the paper sheet used for wrapping or otherwise. The required words and figures must be placed, and no other word or business card should be placed in such juxtaposition thereto as to divert attention from the fact that the contents of the package are wholly oleomargarine.

The color of the ink in which the words are printed must be in the strongest contrast to the color of the package. Every person, company or corporation, or any agent of any company or corporation, who violates any provision of this act or who sells or offers for sale, or delivers, or offers to deliver any oleomargine in any other form of package than as above described, or who packs in any package any oleomargarine in any manner contrary to law, or who falsely brands any package, or affixes a stamp or brand on any package, denoting that it contains other than oleomargarine, shall be fined for the first offense not more than five hundred ($500) dollars and shall be imprisoned for not more than thirty (30) days in the county jail, and for a second, or other offense, shall be fined not more than one thousand ($1,000) dollars and imprisonment in the county jail for one month to twelve months, in the discretion of the court.

Comp. Laws, 1921, ch. 50, p. 963.

Sec. 3076, as amended by Laws, 1923, H. B. No. 328. False reading of test unlawful; glassware; inaccurate glassware; composite sample; McKay sampler; reading temperatures; license.—It shall be unlawful for

any person, or persons engaged in buying, selling, testing or handling, or engaged in determining the value of milk, cream or other dairy products by the use of the Babcock test, to give by himself or his agent any false reading of the test or to manipulate the test in any way so as to give a higher or lower per cent, of butterfat than the milk, cream, or other dairy products actually contain, or to cause any inaccuracy in reading the per cent of butterfat by securing from any quantity of milk, cream or other dairy products to be tested, an inaccurate sample for the test. It shall be unlawful for any persons to use any test tube, bottle, pipette, or instrument in connection with such test, which is not perfectly clean; and for the purpose of this act, any such unclean glassware is declared to be inaccurate.

In the use of the Babcock test, the standard milk measure or pipettes shall have a capacity of 17.6 cubic centimeters, and the standard test tubes or bottles for milk shall have a graduated capacity of two cubic centimeters for each 10 per cent marked on the necks thereof; cream shall be tested by weight and the standard unit for testing shall be 9 grams or 18 grams, and it shall be unlawful to use any other standards of milk or cream measure in creameries or cheese factories or any other place where milk or cream is purchased by or furnished to a receiver and the value of said milk or cream is determined by the per cent of butterfat contained in the same.

It shall be unlawful for any manufacturer, merchant, dealer or agen to offer for sale or to sell a milk pipette or measure, test tube, or bottle which is inaccurate or not correctly marked or graduated as herein described.

In sampling cream or milk from which composite tests are to be made, to determine the per cent of butterfat contained therein, no such sample or sampling shall be lawful unless a sample be taken from each weighing and the quantity thus used shall be proportioned to the total weight of the cream or milk sampled.

It is hereby required in making tests of milk or cream for the purpose of determining the value of such milk or cream when bought, or sold, that the milk shall be poured once from one vessel to another, and that cream shall be poured from one vessel to another at least three times before sampling, unless the said milk or cream is thoroughly stirred and sampled by the "McKay" sampler, or some other recognized sampler that will secure a representative sample.

All tests shall be maintained in a water bath for five minutes at a temperature between 120 degrees and 130 degrees F. until read. *(Except when glymol or other light reading oil is used for cream tests, the tests shall be held at a temperature between 135 degrees and 140 degrees F. in a water bath for five minutes until read.) All oils used in reading tests shall be approved by the State dairy commissioner.

It shall be unlawful after the passage of this act, for any person to sample or test milk, cream, or other dairy products for the purpose of determining the value of such products when bought and sold or to instruct another person for such purpose without first having a license granted by the State dairy commissioner and such license shall be conspicuously displayed in his place of business. This license shall be granted to those who shall have completed a

course in milk and cream testing in any recognized college or dairy school, or to those who shall pass a satisfactory examination under the direction of the State dairy commissioner; and beginning July 1, 1923, payment of a yearly fee of three dollars ($3.00) shall be required and the license shall be issued for the period of one year dating July first next preceding actual date of issue, subject to cancellation by the State dairy commissioner at any time that he shall find that the person holding said permit is incompetent or guilty of violating any of the provisions of this Act. All testers licenses in force June 30, 1923, shall become null and void upon that date. * * *

Comp. Laws, 1921, ch. 46, p. 917.

Sec. 2942 (1913). Standards for electricity, gas, and water; enter and examine; test meters.—(*a*) The commission [the public utilities commission] shall have power, after hearing had upon its own motion or upon complaint, to ascertain and fix just and reasonable standards, classifications, regulations, practices, measurements or service to be furnished, imposed, observed and followed by all electrical, gas, and water public utilities; to ascertain and fix adequate and serviceable standards for the measurement of quantity, quality, pressure, initial voltage or other condition pertaining to the supply of the product, commodity or service furnished or rendered by any such public utility; to prescribe reasonable regulations for the examination and testing of such product, commodity or service and for the measurement thereof; to establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurement and weighing; and to provide for the examination and testing of any and all appliances used for the measurement or weighing of any product, commodity or service of any such public utility.

(*b*) The commissioners and their officers and employees shall have power to enter upon any premises occupied by any public utility, for the purpose of making the examinations and tests and exercising any of the other powers provided for in this act, and to set up and use on such premises any apparatus and appliances necessary therefor. The agents and employees of such public utility shall have the right to be present at the making of such examinations and tests.

(*c*) Any consumer or user of any product, commodity or service of a public utility may have any appliance used in the measurement thereof tested upon paying the fees fixed by the commission. The commission shall establish and fix reasonable fees to be paid for testing such appliances on the request of the consumer or user, the fee to be paid by the consumer or user at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the appliance is found defective or incorrect to the disadvantage of the consumer or user, under such rules and regulations as may be prescribed by the commission.

Comp. Laws, 1921, ch. 54, p. 1052.

Sec. 3549 (1913). Scales, inspection; testing weights certified.—It shall be the duty of every corporation, company or person engaged in the business of mining and selling by weight, to procure and constantly keep on hand, at the proper place, the necessary scales and

whatever else may be necessary to correctly weigh the coal mined and taken out by the workmen or miners of such corporation, company or person, and it shall be the duty of the inspector of weights and measures of each county, in which the coal is mined and sold, to visit each coal mine operated therein, once each year, unless oftener requested by the owner or the miners, to test the correctness of the scales. If in any county there is no inspector of weights and measures, then the deputy inspector of coal mines of the district in which the mine is located, shall be required to test the correctness of such scales within a reasonable time after application is made by either the owner or the miners. All weights necessary for testing and adjusting scales shall be duly certified and shall be provided by the owner.

Sec. 3550. Manner of weighing coal; ton for coal mined.—All the coal mined shall be weighed in the car or other receptacle in which it is removed from the mine before it is screened, or before it passes over, or is dumped upon any screen or any other device which may let, or be capable of letting a portion of the coal drop through such screen or device, and the miner shall be paid for the mining of such coal according to the weight so ascertained at such price per ton of two thousand pounds as may be agreed upon by and between such owner and miner or miners who mine the same, except that where coal is mined from pitching veins, the miners shall be paid upon a yardage basis, except when otherwise agreed to between owner and miner.

Sec. 3551. Check weighmen.—Hereafter at each coal mine, at the option of the majority of the miners working therein, there shall be employed one or more check weighmen, whose wages shall be paid by the miners therein employed; said check weighman shall run a coal check and shall deduct a sufficient and equal amount from each ton of coal weighed to guarantee him the wages agreed upon between said check weighman and said miners; the check weighman shall be paid by the owner in the same manner and at the same rate per ton as other employees running coal checks. The duties of such check weighman shall be to see that all coal mined in the mine at which he is employed, is correctly weighed and accredited, and for that purpose every such aforesaid owner shall give to such check weighman access to all scales and weights used for that purpose and to all books wherein the weights of the coal mined by the miners of said mines are recorded. The owner shall provide a convenient and suitable office on the tipple for weighing coal, which said office shall be kept in a comfortable and sanitary condition.

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Gen. Stats., 1918, Vol. 1, ch. 121, p. 715.

Sec. 2304 (1911). Standard of weights and measures.—The weights and measures received from the United States under a resolution of Congress approved June 14, 1836, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or in renewal thereof, and such as shall be supplied by the State in conformity therewith and certified by the National Bureau of Standards, shall be the State standards, by which all county and municipal standards of weights and measures shall be tried, proved, and sealed.

Sec. 2305 (a1913). State police superintendent to be superintendent of weights and measures—Appointment of deputy superintendent.—The superintendent of State police shall be State superintendent of weights and measures. There shall be a deputy superintendent of weights and measures to be appointed by said superintendent to hold office during the term of said superintendent unless removed by him or by the commissioners of State police. The deputy superintendent of weights and measures is empowered to act as assistant superintendent of State police, with all the powers of the superintendent when directed so to act by the superintendent or by the commissioners of State police. Any State policeman shall act as inspector of weights and measures, with all the powers incident to that office, when directed so to act by the superintendent or deputy superintendent of weights and measures. Neither the deputy superintendent nor any State policeman shall receive any salary other than that incident to his office of deputy or policeman while acting as such assistant or as such inspector. The State superintendent of weights and measures and his deputy shall be under the direction of the commissioners of State police, and all appointments made by said superintendent shall be subject to the approval of said commissioners.

Sec. 2306 (a1917). Duties of superintendent of weights and measures.—The superintendent of weights and measures shall take charge of the standards adopted under the provisions of this chapter as the standards of the State, and cause them to be kept in a fireproof building belonging to the State, or in a suitable place in his office, from which they shall not be removed except for repairs or for certification, and he shall take all other necessary precautions for their safe-keeping. He shall maintain the State standards in good order and shall submit them at least once in ten years, to the National Bureau of Standards for certification. He shall, at least once in two years, test by the State standards all standard weights, measures and other apparatus which belong to any county, city or borough and shall seal such apparatus as is found to be accurate, by stamping thereon, with seals kept for that purpose, the letter "C" and the last two figures of the year of certification. He shall have general supervision of the

weights, measures and weighing and measuring devices sold, offered for sale or used in the State. He, or his deputy or inspectors by his direction, shall, at least once in each year, test all scales, weights and measures used in checking the receipt or disbursement of supplies in every institution for the maintenance of which moneys are appropriated by the general assembly, and he shall report in writing, his findings to the supervisory board and to the executive officer of the institution concerned, and at the request of such board or executive officer, the superintendent of weights and measures shall appoint in writing, one or more employees, in the service of each institution, who shall act as special deputies for the purpose of checking the receipt or disbursement of supplies. He shall keep a complete record of the standards, balances and other apparatus belonging to the State, and take a receipt for the same from his successor in office. The State superintendent, or his deputy or inspectors at his direction, shall, at least once in two years, inspect the work of the local sealers throughout the State and shall have power to inspect and ascertain the correctness of all weights, scales, beams, measures, instruments or mechanical devices for measuring, and tools, appliances or accessories connected with any such instruments or measures kept, offered or exposed for sale, sold, used or employed by any proprietor, agent, lessee or employee in proving the size, quantity, extent, area or measurement of quantities, things, produce or articles for distribution or consumption, offered or submitted by such person or persons for sale, hire or reward; and shall, from time to time, weigh or measure packages or amounts of commodities of any kind kept for the purpose of sale, offered for sale or sold, or in the process of delivery, in order to determine whether the same contain the amounts represented, and whether they be offered for sale or sold in accordance with law. They may, for such purpose, and in the general performance of their official duties, enter without warrant, into or upon any stand, place, building or premises, or stop any vendor, peddler, junk dealer, driver of any coal wagon, ice wagon or delivery wagon, or any dealer and require him, if necessary, to proceed to some place which they may specify, for the purpose of making the proper tests. The State superintendent or his deputy or inspectors may seal such weighing or measuring instruments or apparatus as is found to be correct and may seize and destroy incorrect weights, measures or weighing or measuring instruments. The superintendent shall issue, from time to time regulations for the guidance of county, city and borough sealers, and such regulations shall govern the procedure to be followed by said officers in the discharge of their duties. The State superintendent of weights and measures shall, forthwith upon his appointment, give a bond in the penal sum of five thousand dollars with sureties approved by the attorney general, for the faithful performance of the duties of his office, and for the safety of the standards intrusted to his care and for the surrender thereof immediately to his successor in office, or to the person appointed by the governor to receive the same. The deputy superintendent of weights and measures shall, forthwith upon his appointment, give a bond in the penal sum of one thousand dollars, with sureties approved by the attorney general, for the faithful performance of the duties of his office and for the safety of any apparatus intrusted to his care.

Sec. 2307 (1911). County commissioners and common council of cities to procure complete set of standards.—The county commissioners of each county and the common council of each city required to appoint a sealer under the provisions of this chapter shall procure, at the expense of the county or city, and shall keep, at all times, a complete set of weights and measures and other apparatus, of such materials and construction as said superintendent of weights and measures may direct. All such weights, measures and other apparatus, having been tried and accurately proven by him, shall be sealed and certified to by the State superintendent as hereinbefore provided, and shall then be deposited with and preserved by the county or city sealer as public standards for such county or city. Whenever the county commissioners of any county or the common council of any such city shall neglect, for six months, so to do, the treasurer of the county, or the city clerk or comptroller of said city, as the case may be, on notification and request by the superintendent of weights and measures, shall provide such standards and cause the same to be tried, sealed, and deposited, at the expense of the county or city.

Sec. 2308 (a1915). Appointment, powers and duties of county sealers of weights and measures.—There shall be in each county a county sealer of weights and measures who shall be appointed by the county commissioners for a term of five years. He shall be paid such compensation as shall be fixed by the senators and representatives resident in the same county at their biennial meeting, and no fee shall be charged by him, or by the county, for the inspection, testing, or sealing of weights, measures, or weighing or measuring devices. Unless otherwise provided by law, the county sealer shall have power, within his county, to inspect, test, try, and ascertain the correctness of all weights, scales, beams, measures, instruments or mechanical devices for measuring, and tools, appliances, or accessories connected with any such instrument or measures kept, offered or exposed for sale, sold or used, or employed within the county by any proprietor, agent, lessee or employee in proving the size, quantity, extent, area or measurement of quantities, things, produce or articles for distribution or consumption, offered or submitted by such person or persons for sale, hire, or reward; and he shall have power to, and shall, from time to time, weigh or measure packages or amounts of commodities of any kind kept for the purpose of sale, offered for sale or sold or in the process of delivery, in order to determine whether the same contain the amounts represented, and whether they are offered for sale or sold in a manner in accordance with law. He shall, at least twice each year, and as much oftener as he may deem necessary, see that the weights, measures and all apparatus used in the county, including those under the care of city and town sealers of weights and measures, are correct. He may, for such purpose, and in the general performance of his official duties, enter, without warrant, into or upon any stand, place, building or premises, or stop any vendor, peddler, junk dealer, driver of any coal wagon, ice wagon, or delivery wagon, or any dealer and require him, if necessary, to proceed to some place which said sealer may specify, for the purpose of making the proper tests. The county sealer of weights and measures shall cause any person violating any of the

provisions of this chapter relating to weights and measures to be prosecuted. Whenever said sealer compares weights, measures or weighing or measuring instruments, and finds that they correspond, or causes them to correspond, with the standards in his possession, he shall seal or mark such weights, measures or weighing or measuring instruments with appropriate devices, to be approved by the State superintendent of weights and measures. He shall condemn and seize, and may destroy, incorrect weights, measures or weighing or measuring instruments which, in his judgment, are not susceptible of satisfactory repair; but he shall mark or tag such as are incorrect and yet may be repaired, as "condemned for repairs" in a manner prescribed by the State superintendent of weights and measures. The owner or user of any weights, measures or weighing or measuring instruments which are so marked shall have the same repaired or corrected within ten days, and until so repaired or corrected, such owner or user shall neither use nor dispose of the same in any way, but shall hold the same at the disposal of the sealer. Any apparatus which has been so condemned for repairs and has not been repaired as hereinbefore required shall be confiscated by the sealer. The county sealer shall keep a complete record of all of his official acts and shall make an annual report to the county commissioners, and on or before October first in each year shall make a report, duly sworn to, to the State superintendent of weights and measures, on blanks to be furnished by the superintendent. The county sealer of weights and measures shall, forthwith upon his appointment, give a bond in the penal sum of one thousand dollars, with sureties to be approved by the county treasurer, for the faithful performance of the duties of his office. Nothing in the foregoing provisions shall be construed to prevent two or more counties from combining the whole or any part of their respective counties, as may be agreed upon by the county commissioners, with one set of standards and one sealer, upon the written consent of the State superintendent of weights and measures. A county sealer appointed in pursuance of an agreement for such combination shall, subject to the terms of his appointment, have the same authority, jurisdiction and duties as if he had been appointed by each of the authorities who are parties to the agreement.

Sec. 2309 (1911). City sealer in cities of not less than 25,000 inhabitants; powers and duties of.—There shall be a city sealer of weights and measures in each city of not less than twenty-five thousand population, according to the last preceding official State or United States census, to be appointed by the mayor, subject to the approval of the common council. He shall, in said city, perform the same duties and have the same powers as the county sealer in the county. In those cities in which no sealer is required by this section, the county sealer of the county shall perform the same duties and have the same powers as in the county. Nothing in the foregoing provisions shall be so construed as to prevent any county and any of the cities situated therein from combining the whole or any part of their respective territories, as may be agreed upon, with one sealer, subject to the written approval of the State superintendent of weights and measures. A sealer appointed in pursuance of any agreement for such combination shall, subject to the terms of his appointment, have the

same jurisdiction and duties as if he had been appointed by each of the authorities who are parties to the agreement.

Sec. 2310, as amended by Pub. Acts, 1925, ch. 256, p. 4077. False weights or measures, use or possession of; penalty.—Any person who, by himself or by his servant or agent or as the servant or agent of another, shall offer or expose for sale, sell or use in the buying or selling of any commodity or thing or for hire or reward or shall retain in his possession a false weight or measure or weighing or measuring device or any weight or measure or weighing or measuring device which shall not have been sealed by the sealer of weights and measures within one year; or who shall dispose of any condemned weight, measure or weighing or measuring device contrary to the provisions of the general statutes or shall remove any tag placed thereon by a sealer of weights and measures; or who shall sell or offer or expose for sale less than the quantity he shall represent; or who shall buy and receive any commodity the weight or measure of which is determined by weights or measures of the purchaser and shall give credit or pay for a quantity of such commodity less than that received by him; or who shall sell or offer or expose for sale any commodity in a manner contrary to the provisions of the general statutes; or who shall sell or offer for sale of have in his possession for the purpose of selling any device or instrument to be used to, or calculated to, falsify any weight or measure, shall, upon a first conviction, be fined not less than twenty nor more than two hundred dollars or imprisoned not more than three months or both. Upon any subsequent conviction any such person shall be fined not less than fifty nor more than five hundred dollars or imprisoned in the county jail not more than one year or both.

Sec. 2311. Authority of superintendent, deputy, and assistants to arrest without warrant.—The superintendent of weights and measures, his deputy and inspectors, and the county and city sealers of weights and measures shall each have power to arrest, without warrant, any violator of the laws in relation to weights and measures, and to seize, without warrant, for use as evidence, any false or unsealed weight, measure or weighing or measuring device, or package or amount of any commodity, found to be used, retained, offered or exposed for sale, or sold in violation of law.

Sec. 2312. Penalty for interference with officials.—Any person who shall hinder or obstruct the superintendent of weights and measures, his deputy, or any inspector, or any county or city sealer, in the performance of his official duties, shall be fined not less than two nor more than two hundred dollars or imprisoned for not more than ninety days or both.

Sec. 2313. Penalty for impersonating officials.—Any person who shall impersonate the superintendent of weights and measures, his deputy, or any inspector, or any county or city sealer, by use of his seal or a counterfeit of his seal, or otherwise, shall be fined not less than one hundred nor more than five hundred dollars, or imprisoned for not more than one year or both.

Sec. 2314 (1913). Salaries to be paid by county treasurer.—The salary of the county sealer of weights and measures shall be paid by the county treasurer on order drawn by the county commissioners.

Pub. Acts, 1925, ch. 55, p. 3834.

Sec. 1. Standards for towns.—The selectmen of each town shall provide standard weights and measures of various kinds, as may be recommended and approved by the State superintendent of weights and measures, and cause them to be tried and compared with the State standards.

Sec. 2. Appointment of inspector of weights and measures; duties.—The board of selectmen in any town may appoint an inspector of weights and measures and fix his salary to be paid by the town. The inspector of weights and measures in each town shall have the custody of its weights and measures. He shall annually try, by the town standards, the weights and measures used in trade in such town; destroy such as he shall be unable to make correspond with the standards and stamp such as shall be found or made true, with the capital initial letter or letters of the name of the town, and the year of such inspection.

Sec. 3. Repeal.—Sections 2315 and 2316 of the general statutes are repealed.

Gen. Stats., 1918, Vol. 1, ch. 121, p. 715.

Sec. 2317 (1800). Penalty for using unstamped weights and measures.—Every person who shall, for the purpose of buying or selling, use any weight or measure not legally stamped shall forfeit two dollars, half to the town in which such offense shall be committed, and half to the sealer of weights and measures for said town who shall prosecute for such offense.

Gen. Stats., 1918, Vol. 1, ch. 119, p. 681.

Sec. 2247 (a1915). County sealers of weights and measures.—The county sealers of weights and measures shall receive such compensation as shall be fixed by the senators and representatives of the county at their biennial meeting, which shall be paid by the county treasurer on order drawn by the county commissioners.

Pub. Acts, 1923, ch. 183, p. 3607.

Sec. 1. "Bakery" defined.—The word "bakery" is defined, for the purpose of this act, as follows: A building or part of a building wherein is carried on as a principal occupation the production of bread, cakes, pies or other food products made either wholly or in part of flour.

Sec. 2. Bread to be of standard weight.—Standard loaves of bread produced in any bakery and procured or kept for the purpose of sale, offered or exposed for sale, or sold, shall be of the following standard avoirdupois weights: One pound or one and one-half pounds or some multiple of one pound. The provisions of this act shall not apply to biscuits, buns, crackers, rolls or loaves weighing less than one-quarter pound per unit, or to what is commonly known as "stale" bread and sold as such, provided the seller at the time of sale shall expressly state to the buyer that the bread so sold is stale bread.

Sec. 3. Loaves not of standard weight to be marked with weight, how.—Loaves of bread produced in any bakery which shall not be of any of the standard weights herein provided for, which shall be procured or

kept for the purpose of sale, offered or exposed for sale, or sold, shall have their weight plainly and conspicuously stated in one of the following ways: Bread wrapped in paper or other material prior to the time of sale to have, on the outside of such wrappers, a plain statement of the weight of the loaf of bread contained therein; bread sold or exposed for sale without being wrapped, to have, on each loaf, either a pan impression plainly setting forth its weight, or a label attached to the loaf on which its weight shall be plainly written or printed. The weight marks on such wrappers or labels shall be printed in plain, heavy, Gothic, capital letters and figures not less than five thirty-seconds of an inch in height, and shall not be affixed to the loaf in a manner or with a gum or paste which is unwholesome or unsanitary.

Sec. 4. Tolerance on individual loaves; tolerance on 12 loaves.—No loaf of bread produced in any bakery shall, within twelve hours after delivery by the baker, vary more than one ounce per pound from the standard or marked weight. The weight of twelve loaves of bread selected at random from any one baking of bread shall not be less than the total of the standard or marked weight of such loaves.

Sec. 5. Penalty.—Any person who, by himself or by his agent or servant, shall violate any provision of this act shall, upon the first conviction, be fined not more than two hundred dollars, and upon a subsequent conviction not more than five hundred dollars or imprisoned not more than six months or both.

Sec. 6. Repeal.—Chapter 261 of the public acts of 1921 is repealed.

Gen. Stats., 1918, Vol 1, ch. 128, p. 749.

Sec. 2457 (1909). Weight to be marked on print butter.—No person shall, by himself, his servant or agent, sell or offer or expose for sale, or have in his possession with intent to sell any print butter unless the package or wrapper containing the same shall have conspicuously printed thereon, in letters or figures not less than one-half inch in height, in plain Gothic type, the net weight of the butter contained therein. Every person who shall violate any provision of this section shall be punished by a fine not exceeding twenty-five dollars.

Sec. 2474 (a1911). Milk and cream to be sold by wine measure.—All sales of milk or cream shall be made by wine measure.

Gen. Stats., 1918, Vol. 2, ch. 237, p. 1333.

Sec. 4782 (a1895). Pound, ton, etc.; barrel; liquid gallon.—The avoirdupois pound shall bear to the troy pound the relation of seven thousand to five thousand seven hundred and sixty. The hundred weight shall contain one hundred avoirdupois pounds; and the ton, twenty hundred weight. The barrel shall contain thirty-one and one-half gallons; and the hogshead, two barrels. The liquid gallon[1] [shall contain] two hundred and thirty-one cubic inches.

Sec. 4783. Bushel measurement; heap measure; charcoal; barrel of flour—of potatoes.—The bushel in struck measure shall contain twenty-one hundred and fifty and forty-two hundredths cubic inches and in heap measure twenty-five hundred and sixty-four cubic inches,

[1] The words "The dry gallon shall contain two hundred and eighty-two cubic inches" have been omitted, since this apparently conflicts with sec. 2304 of the general statutes, which provides that "The weights and measures received from the United States * * * shall be the State standards," as the National Government has never recognized nor authorized the dry gallon mentioned above.

except that every bushel of charcoal shall contain twenty-seven hundred and forty-eight cubic inches. When sold by weight the bushel of charcoal shall weigh twenty pounds when commercially dry; the barrel of flour, one hundred and ninety-six pounds; and the barrel [2] of potatoes, one hundred and seventy-two pounds.

Sec. 4784, as amended by Pub. Acts, 1923, ch. 185, p. 3609.—The bushel of the following commodities shall weigh[3]—

	Pounds
Apples	48
Apples, dried	25
Barley	48
Beans, dried	60
Beans, Lima (in pods)	34
Beans, string	24
Beets (table size)	50
Beet greens	12
Bran or shorts	20
Buckwheat	48
Carrots	50
Clover seed	60
Coal, hard	80
Corn, Indian	56
Corn meal	50
Cottonseed, sea island	44
Cottonseed, upland	30
Cranberries	32
Cucumbers	48
Dandelions	12
Flaxseed	55
Grass seed, timothy, or herds grass	45
Hickory nuts	50
Horseradish	50
Kale, commercially dry	12
Lime	70
Mangelwurzel	60
Oats	32
Onions	52
Parsely	8
Parsnips	45
Peaches	52
Peaches, dried	33
Pears	52
Peas, dried	60
Peas (in pod)	26
Peppers	24
Plums	48
Potatoes	60
Potatoes, sweet	54
Quinces	48
Rice, rough	45
Rye	56
Rye meal	50
Salt, fine	70
Salt, coarse	70
Spinach, commercially dry	12
Tomatoes	56
Turnips, English	50
Turnips, rutabaga	60
Wheat	60

Any person who, himself or by his servant or agent, or as the servant or agent of another, shall sell or offer for sale any of the above-mentioned commodities at a less weight per bushel than therein specified shall be fined or imprisoned or both as provided in section 2310 of the general statutes.

Sec. 4785 (1917). Weight of sand and gravel.—A cubic yard of sand shall contain twenty-six hundred pounds, and a cubic yard of gravel twenty-eight hundred pounds.

Sec. 4789 (1911). Coal to be sold by weight; ticket to be delivered with coal, stating weight; penalty.—All coal sold, except in accordance with a written agreement with the purchaser otherwise, or offered for sale, in this State, shall be sold or offered for sale by weight. No person, firm or corporation shall deliver any coal unless such delivery is accompanied by a delivery ticket and a duplicate thereof, on which shall be distinctly expressed, in ink or other indelible substance, in pounds, the weight of the coal contained in such vehicle or receptacle, together with the name of the seller and the name of the purchaser of such coal. One of such tickets shall be surrendered, upon demand, to the sealer of weights and measures, for his inspection, and such ticket or, when the sealer desires to retain the original ticket, a weight slip issued by the seller, shall be delivered to the

[2] See footnote, p. 20, relative to the Federal standard barrel.
[3] A slight change has been made in the arrangement for convenience of reference.

purchaser, or his agent or representative, at the time of the delivery of such coal, and the other ticket shall be retained by the seller. If the purchaser or his agent, takes such coal from the place of purchase, a delivery ticket, showing the actual number of pounds delivered, shall be given to the purchaser or his agent, at the time of delivery. Any person who shall violate any provision of this section shall be fined not more than two hundred dollars or imprisoned not more than six months, or both.

Gen. Stats., 1918, Vol. 2, ch. 238, p. 1336.

Sec. 4794 (1911). Sale of food in package form; weight; marking.—Every person who shall sell or offer for sale food in package form, unless the net quantity of the contents be plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count, shall be subject to the penalties provided in section 2446: *Provided*, Reasonable variations shall be permitted, and allowances shall be established by rules and regulations made from time to time by the dairy and food commissioner and the director of the Connecticut Agricultural Experiment Station. The definitions of the terms "food" and "person" as given in sections 2437 and 2448 respectively, shall apply to the provisions of this section: *Provided*, The term "food" as used herein, shall not include confectionery and shelled nuts when offered for sale in packages at a price not exceeding ten cents each.

Pub. Acts, 1921, ch. 142, p. 3137.

Sec. 1. Clinical standard thermometer established.—A clinical standard thermometer supplied by the State and certified by the National Bureau of Standards for use by the State, shall be the State clinical standard thermometer.

Sec. 2. Additional standard thermometers may be supplied.—In addition to the State clinical standard thermometer, there shall be supplied by the State such additional clinical standard thermometers as may be necessary to carry out the provisions of this act, to be known as official clinical standards. Such thermometers shall be verified by the director of the bureau of laboratories of the State department of health upon their initial receipt and at least once in each six months thereafter, by direct comparison with the State clinical standard thermometer. The official clinical standard thermometers may be used in making all comparisons of clinical thermometers under test.

Sec. 3. Correct clinical thermometer defined.—The commissioner of health shall promulgate tolerances and specifications for clinical thermometers. A correct clinical thermometer shall be one which conforms to the standard thereby established and to the specifications promulgated under the provisions of this act, within the tolerances established as aforesaid.

Sec. 4. Correct thermometers to be sealed by the State department of health.—Whenever the State department of health inspects and tests a clinical thermometer which is offered for sale and finds it to be correct it shall seal or mark it or otherwise certify it as correct. Whenever it inspects and tests such a clinical thermometer and finds it to be incorrect it may condemn, seize and destroy it; or it may

return it to the owner upon a satisfactory guarantee that it will not be sold or used within the State.

Sec. 5. Thermometers submitted to and approved by the State department of health to be marked.—When a representative sample of a clinical thermometer has been submitted by the manufacturer thereof to the State department of health and is approved, it shall assign a designating mark or number which shall thereafter be permanently affixed by the manufacturer to all clinical thermometers of that particular kind made by him. Such clinical thermometers as are sealed by the manufacturer shall be marked with the name, initials or trade-mark of the manufacturer, and by such other marks as the department may require. The commissioner of health shall have power to revoke the authority given by him to any manufacturer under the provisions of this section upon proof that the authorized seal or designating mark has been affixed to a thermometer which does not conform to the sample approved by him.

Sec. 6. Penalty.—Any person, who, by himself or by his servant or agent, or as the servant or agent of another person, shall keep for the purpose of sale, offer or expose for sale, or sell any clinical thermometer which has not been sealed, marked or certified as correct by the State department of health or by the manufacturer as aforesaid shall be fined not more than fifty dollars.

Gen. Stats., 1918, Vol. 2, ch. 191, p. 1057.

Sec. 3630 (1911). Inspection of meters.—Upon petition of any person, and the payment by such person of a fee of one dollar for each meter, the commission [public utilities commission] shall cause to be inspected any electric, gas or water meter used in measuring electricity, gas or water supplied to such petitioner. The company supplying electricity, gas or water through such meter shall reimburse the petitioner for said fee if such meter be found to be more than two per centum fast, in the case of a gas meter, or four per centum fast, in the case of an electric or water meter, and shall not again use such meter until corrected and approved by the commission. The commission shall cause to be approved every electric, gas or water meter in which the error does not exceed two per centum for gas meters or four per centum for electric or water meters, and shall cause the same to be stamped with some suitable device and the date of approval.

Gen. Stats., 1918, Vol. 2, ch. 235, p. 1327.

Sec. 4755 (a1822). Shad intended for market; weight per barrel and half barrel; number of fish per barrel and half barrel.—All pickled shad, intended for market, shall be split and well-cleansed, pickled in strong brine, and shall remain in such brine at least fifteen days before they shall be put up for market, and shall be put in barrels or half barrels, the barrels containing two hundred pounds each and the half barrels one hundred pounds each of fish well packed, with a sufficient quantity of salt and filled with strong brine; shad so put up shall be of three classes, to wit: Class number one, to consist wholly of shad well saved, free from rust or any defect, with the head and tail cut off, and backbone taken out, each barrel to contain not more than eighty shad, and each half barrel not more than

forty; class number two, to consist wholly of those well saved, trimmed, pickled and prepared for packing, in the same manner as class number one, each barrel to contain not more than ninety shad, and each half barrel not more than forty-five; class number three, to consist of such as will not answer for either of the former classes, well saved, with the heads taken off. Every inspector, who shall inspect and brand the same, shall designate by each brand the quality, weight and kind of fish contained in each barrel and half barrel branded by him, the year in figures when it shall have been inspected, the word "Conn.," his own name and the name of the town where said fish was put up. Every inspector of fish, who shall inspect or brand any package of shad imported into this State, shall be fined five dollars.

Sec. 4756 (1820). Regulations concerning barrels for fish.—All barrels and half barrels, containing fish, shall be well made of seasoned red oak, white oak or chestnut timber; each tierce shall be made with twelve hoops; each barrel shall be of the capacity of from twenty-eight to thirty gallons, and each half barrel of the capacity of fifteen gallons and a half.

Sec. 4758 (1822). Fraudulent altering of contents of cask; penalty.—Every person who, after the inspection and branding of a cask containing fish shall fraudulently take out or change any part of the contents thereof or put into it any fish not inspected, shall be fined twenty dollars.

Gen. Stats., 1918, Vol. 2, ch. 236, p. 1329.

Sec. 4764 (a1893). Fertilizers, weights to be marked.—Every person who shall sell, offer or expose for sale, any commercial fertilizer or manure, except stable manure, and the products of local manufacturers of less value than ten dollars a ton, shall affix conspicuously to every package thereof a plainly printed statement, clearly and truly certifying the number of net pounds of fertilizer in the package, the name, brand or trade-mark under which the fertilizer is sold, the name and address of the manufacturer, the place of manufacture, and the chemical composition of the fertilizer, expressed in the terms and manner approved and usually employed by the Connecticut Agricultural Experiment Station. If any such fertilizer be sold in bulk, such printed statement shall accompany every lot and parcel sold, offered, or exposed for sale.

Pub. Acts, 1925, ch. 196, p. 3982.

Sec. 2. Commercial feeding stuff, net weight to be marked.—Each lot or parcel of concentrated commercial feeding stuff sold, offered or exposed for sale shall have conspicuously affixed thereto a plainly printed statement certifying (1) the number of net pounds of feeding stuff contained therein, (2) the name, brand or trade-mark under which the article is sold, (3) the name and address of the manufacturer or importer, * * *

Gen. Stats., 1918, Vol. 2, ch. 237, p. 1333.

Sec. 4786 (1869). Cotton thread, quantity of, to be designated.—Every manufacturer of cotton sewing thread, and every person engaged in putting up such thread on spools or in packages of one pound weight or less, intended for sale, shall, before the same is offered for

sale, affix to or impress upon, each spool or package, a label or stamp designating its weight or length in yards. Every such manufacturer, or person engaged as aforesaid, who shall neglect to affix to or impress upon, each spool or package such a label or stamp, or shall, with intent to deceive, affix to or impress upon, or suffer to be affixed to or impressed upon, any such spool or package, a label or stamp specifying that it contains a greater number of yards, or a greater quantity of thread by five per centum than it does contain, shall be fined five dollars for each of such spools or packages; and every trader who shall offer for sale such thread, knowing or having reason to believe that it is falsely labeled or stamped as regards length or quality, shall be subject to the same fine.

S53. 4787 (1813). Sale of domestic sewing silk by skein.—Every person who shall sell or offer for sale, by the skein, any sewing silk manufactured in this country, unless each skein shall consist of twenty threads, each two yards long, shall be fine seven dollars.

Sec. 4788, as amended by Pub. Acts, 1923, ch. 128, p. 3566. Babcock milk-test bottles not to be used unless stamped by the Connecticut Agricultural Experiment Station; penalty.—No person or corporation buying milk or cream and making payments therefor based on the results of the Babcock test shall use any bottle or pipette for the purpose of determining the relative or proportional amount of butterfat of any milk or cream, unless such bottle or pipette shall have been tested and stamped as accurate by the Connecticut Agricultural Experiment Station at New Haven. Any person violating any provision of this act shall be fined not less than seven nor more than two hundred dollars or imprisoned not more than six months or both. The dairy and food commissioner shall be charged with the enforcement of this act.

Gen. Stats., 1918, Vol. 1, ch. 22, p. 169.

Sec. 358 (1842). Duties of public weighers.—Every public weigher, upon payment of his lawful fees, shall accurately weigh any heavy or bulky article of merchandise brought to him for that purpose, and sign and give a certificate of its weight to the person bringing the same.

Sec. 359. Scales and fees.—Towns in which public weighers are appointed shall make such regulations relative to the scales and other apparatus to be used by such weighers as they may deem necessary for the public protection and convenience, and prescribe the fees, not exceeding twenty cents for each weighing, to be paid to said weighers, half by the seller and half by the purchaser, or may delegate to the selectmen the powers and duties specified in this section; and the rate of fees so established shall be recorded in the town records, and shall not be changed during the time for which such weighers are appointed.

Sec. 360 (a1854). Penalties.—Any public weigher who wilfully neglects to weigh any article legally brought to him for that purpose, and to give a certificate of the weight thereof according to law, except in a matter in which he has an interest, or who shall give a certificate of the weight of any article in which he has an interest and every person selling any heavy or bulky article of merchandise, usually sold by weight, who shall, upon the request of any purchaser

thereof who shall offer to pay for the weighing of the same, refuse or decline to have the same weighed by a public weigher in the town where said purchaser resides, shall be fined five dollars.

Sec. 361 (a1889). Duties of measurers of wood.—The selectmen of each town may appoint annually, and oftener if necessary, two or more of its inhabitants to be measurers of wood offered for sale within the town, who shall be duly sworn, and receive such compensation for their services as the town may prescribe; and any of them, on request of the owner of any wood so offered for sale, shall, without delay, measure it and sign and give him a certificate of its quantity.

Pub. Acts, 1919, ch. 295, p. 2961.

Sec. 1. Standard barrel to be used for apples.—The standard barrel[4] for apples shall be of the following dimensions when measured without distention of its parts: Length of stave twenty-eight and one-half inches; diameter of head seventeen and one-eighth inches; distance between heads twenty-six inches; circumference of bulge sixty-four inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch; provided any barrel of a different form having a capacity of seven thousand and fifty-six cubic inches shall be a standard barrel. The standard box for apples shall be of the following dimensions, by inside measurement: Eighteen inches by eleven and one-half inches by ten and one-half inches, without distention of its parts, and shall have a capacity of not less than two thousand one hundred and seventy-three and one-half cubic inches.

Sec. 3. Packages containing apples to be marked.—Every closed package of apples packed or repacked in the State and intended for sale, either within or without the State, shall have marked in a conspicuous place on the outside of the package in plain letters the following statements in the order named: (1) The name of the State where grown; (2) the name of the grade as specified in section two of this act; (3) the minimum size of the apples contained therein; (4) a true statement of the quantity of the contents; (5) the name of the variety; (6) the name and address of the person by whose authority the apples were packed. If the true name of the variety shall not be known to the person by whose authority the apples were packed, then such statement shall include the words "Variety unknown." Every closed package of apples which is repacked shall bear the name and address of the person by whose authority the apples are repacked in place of that of the original owner.

Sec. 6. Marking on barrels to be in block letters.—The branding or marking of barrels under the provisions of this act shall be in block letters and figures of a size not less than one-half inch in height.

Sec. 8. Adulterated packages, defined.—For the purposes of this act, apples packed in a closed package shall be deemed to be adulterated if their measure, quality or grade does not conform in every particular to the brand or mark upon or affixed to the package, or if the faced or shown surface gives a false representation of the contents of the package.

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[4] See footnote, p. 20, relative to the Federal standard barrel.

Sec. 13. Terms "person" and "closed package," defined.—The word "person" as used in this act shall include persons, firms, corporations, societies and associations, and the acts of agents and employees shall be construed to be the acts of their principals and employers as well as of the agents and employees. The words "closed package" shall mean a barrel, box or other container the contents of which cannot be sufficiently seen for the purposes of inspection without opening the container.

Gen. Stats., 1918, Vol. 2, ch. 346, p. 1825.

Sec. 6720, as amended by Pub. Acts, 1921, ch. 37, p. 3061. Providing standard time for State and municipalities.—The standard of time for the seventh-fifth meridian west of Greenwich shall be the standard of time for this State, and no department of the State government and no municipality or subdivision of the State, shall employ any other time or adopt any ordinance, by-law or order providing for the use of any other than the standard of time.

DELAWARE

Rev. Code, 1915, ch. 82, p. 1361.

Sec. 2914 (a1909). State chemist custodian of weights and measures; duties of.—The State chemist is made the custodian of the standard weights and measures of the United States, belonging to this State, together with balances for adjusting duplicate standards.

The State chemist is required to keep the same in good order, and shall, upon demand, try and prove the duplicate standards of weights and measures belonging to the several counties, by and with the originals in his custody and shall cause them to be made uniform and correct.

Sec. 2915. Standard.—The standard weights and measures of the United States, now deposited in the custody and office of the State chemist, are the true and legal standards for this State; and the duplicate thereof, deposited with the several prothonotaries, are true duplicate standards by which all weights and measures, used within this State, shall be tried and regulated.

Sec. 2916 (1893). County regulators, term and oath; bond.—A regulator of weights and measures for each county shall be appointed by the governor for the term of four years. The said regulator shall be sworn, or affirmed, to perform the duties of his office faithfully and impartially. He shall within thirty days, from his appointment, give bond to the State, with sufficient surety, to be approved by the governor, in the sum of one thousand dollars, conditioned for the faithful performance of the duties of his office; and if such bond be not filed in the secretary's office within the time aforesaid, his commission shall be void.

Sec. 2917, as amended by Laws, 1915, ch. 216, p. 635. Duties of regulator of weights and measures in Kent and Sussex Counties; without charge.—In Kent and Sussex Counties he shall visit, at least once during the year, every incorporated town in his county, for the purpose of regulating, by and with the duplicate standards aforesaid, without charge, any weights and measures, scales, balances, or other weighing apparatus, that may be in use; and shall stamp the same plainly with the letter "S," and the initial of his county should the same be correct.

Sec. 2918, as amended by Laws, 1919, ch. 196, p. 522. Further duties of regulator; powers of regulator; to hold as evidence.—He shall, in like manner, at all other times, regulate such weights and measures, scales, or balances, as may be brought to him, or of which he may have knowledge. And he shall diligently inquire for all unstamped weights and measures, scales and balances, which are used within his county for buying or selling.

Each regulator shall have power, within his respective jurisdiction, to test all instruments and devices used in weighing or measuring anything sold or to be sold. Such test shall include all appliances

connected or used with such instruments or devices. For the purpose of making such test, each regulator, at any reasonable time and without formal warrant, may enter upon any premises; and may, on any public highway, stop any vendor or dealer, or the agent or servant of such vendor or dealer, or stop any vehicle used in delivering any commodity which is weighed or measured as delivered. He may condemn and mark as condemned, or may seize, any false or illegal instrument or device used, or intended to be used, in weighing or measuring. If he shall seize any such instrument or device, he shall retain possession thereof until it shall have been used as evidence in any prosecution under the laws of this Commonwealth relating to weights and measures. After the determination of such prosecution the false or illegal instrument or device shall be destroyed, unless otherwise ordered by the proper court.

Whenever he shall see fit so to do, or whenever he shall be so requested the regulator of weights and measures in Kent or Sussex County shall weigh any quantity of coal or ice on its way to or in process of delivery and the expense of weighing same shall be paid to him by the levy court of the county upon presentation of a receipted bill therefor, showing the payment thereof by him.

Sec. 2919, as amended by Laws, 1915, ch. 216, p. 635. Misdemeanor, when.—If any person in Kent or Sussex Counties, shall buy, sell, or barter, by any weight or measure, scale, balance, or other weighing apparatus, that has not been duly regulated and stamped, or if any person shall make, or use, a false stamp, or brand, for stamping weights, or measures, he or she shall be fined twenty-five dollars and pay in addition thereto the costs in the case. One-half of said fine when recovered shall be paid to the informer.

Sec. 2920, as amended by Laws, 1915, ch. 216, p. 635. Compensation of the regulators.—The regulators shall be paid for their services, annually, six hundred dollars in New Castle County and fees as hereafter provided, six hundred dollars in Kent and Sussex Counties, said stated salaries to be allowed by the levy court of the respective counties and paid as other county charges.

Sec. 2921, as amended by Laws, 1915, ch. 216, p. 635. Duties of regulator in New Castle County; powers.—He shall, as often as he may deem necessary, go to all stores, offices, booths, stalls or other places of business in his county, where any beams, scales, weights and measures are used for the purpose of buying or selling any goods, chattels or other things, and test and adjust or cause to be tested and adjusted (if possible) all such beams, scales, weights and measures, and stamp the same plainly with the letter "S" and the initial of his county and the current year. He shall also, in like manner, at all other times, test and adjust such beams, scales, weights and measures as may be brought to him for that purpose. The said regulator shall have the same powers prescribed in 2918, section 5 of this chapter.

Sec. 2922 (1893). Fees for trying and adjusting weights and measures; fees; collection of fees.—For which trial and adjustment the said regulator for New Castle County, in addition to the salary already allowed by law, shall demand and receive from the proprietors or owners of all such weights, and beams, and scales, and measures, the following fees, to wit: For the trial and balancing of every set of

scales, eight cents; for every patent balance, fifteen cents; for every set of coal or hay scales, one dollar each; for every set of platform scales which draws five hundred pounds or under, fifty cents, and an additional sum of five cents for every one hundred pounds not exceeding two thousand pounds, and any platform scale drawing over two thousand pounds shall be classed as coal or hay scales; for every yard measure, two cents; for every bushel measure, ten cents; for every half-bushel measure, seven cents; for every peck and half-peck measure, five cents; for every quarter peck measure, three cents; for every gallon, half-gallon, and quart measure, three cents each; for every pint measure, or less, two cents; for every weight of twenty-eight pounds or more, eight cents; for every weight less than twenty-eight pounds, two cents, and an additional charge or fee for labor or materials furnished for adjusting said beams, scales, weights and measures to be fixed by agreement between the regulator and the owner or user thereof; provided, always, that the said regulator shall only be entitled to one-half of the above fees for stamping such beams, scales, weights and measures as he shall find to be correct after testing the same. The said regulator may collect by suit, before any justice of the peace, all fees prescribed by this section from the proprietors or owners of such scales, beams, weights or measures, which he has adjusted.

Sec. 2922a, as enacted by Laws, 1915, ch. 216, p. 635. Annual fees.—For every fee collected under the provisions of 2922, section 9 of this chapter, the said regulator shall give a receipt therefor and no person, copartnership, firm or company shall be required to pay more than one fee in any one year, provided, however, the provisions of this section shall in no way be deemed to restrict the number of visits which the said regulator shall deem necessary to make during any one year.

Sec. 2923 (a1909). Seizure of false measures, etc.—The said regulator of weights and measures for New Castle County is required to immediately seize and deliver to the attorney general all false beams, scales, weights and measures that he may find within the county, which he is unable to adjust, together with a written report giving such information in regard thereto as may be required of him by the attorney general; and the regulator of weights and measures shall be paid one-half of the fee for such services as is provided for in the trial and adjustment of beams, scales, weights and measures by section 9 [sec. 2922] of this chapter; and all the provisions of this chapter relating to the inspection of beams, scales, weights and measures in New Castle County used for the purpose of buying or selling shall also extend to all such beams, scales, weights and measures as are or may be used in said county for ascertaining weights and measures for the purpose of charging for freight, tonnage, transportation, commission and all other charges, when such charges are regulated by weight or measure.

Sec. 2924. Penalty; disposition of fines.—In case any user or owner of such beams, scales, weights and measures, within the county of New Castle, in this State, shall refuse or neglect to comply with any of the requisitions which the said regulator is by this chapter authorized or directed to make or shall knowingly sell or buy any false beams, scales, weights, or measures; or shall purposely alter

any beam, scale, weight, or measure, so that the capacity is diminished or increased after the same shall have been adjusted and stamped; or shall, in buying or selling, knowingly use any beam, scale, weight, or measure, so altered, or shall purposely alter, any beam, scale, weight or measure so as to impair the adjustment thereof after the same shall have been adjusted and stamped; or shall knowingly have in his possession any beam, scale, weight or measure so altered as aforesaid; or shall knowingly buy, sell, use, or barter by any beam, scale, weight or measure, or other weighing or measuring apparatus that has not been duly adjusted and stamped as aforesaid; or shall knowingly make, use or have in possession any false stamp or brand for stamping any beams, scales, weights, or measures, he or they shall be guilty of a misdemeanor and upon conviction thereof shall, for the first offense, be fined not less than ten nor more than twenty dollars or imprisoned for a term not exceeding ten days, and, for every subsequent offense, be fined not less than twenty or more than fifty dollars or imprisoned for a term not exceeding thirty days. One half of all fines recovered for violations of any of the provisions of section 8 to 13 [sections 2921 to 2926] inclusive, of this chapter shall be paid by the officer receiving the same to the informer and the other half to the treasurer of New Castle County.

Sec. 2925 (1883). Weights in public markets; penalty.—All beams, scales, weights and measures tested, adjusted and stamped under the provisions of sections 8 to 13 [sections 2921 to 2926] inclusive, of this chapter, which shall be used in the public markets and market houses of any city or incorporated town in said county, shall be liable to be tested and adjusted by the regulator of weights and measures of such city or town, but no fee shall be charged therefor: *Provided, however*, That if, upon such testing and adjustment, such beams, scales, weights, or measures shall be found to be false, the person or persons in whose possession the same shall be found shall, in addition to the fees prescribed by section 9 [section 2922] of this chapter, pay to the regulator of weights and measures of such city or town the fees allowed to such regulator for like services under the ordinances and regulations of said city or town.

Sec. 2926. New Castle County; regulator authorized to administer oaths.—The said regulator of weights and measures for New Castle County is authorized and empowered to administer an oath or affirmation to any or all proprietors or owners of any beams, scales, weights or measures, named in sections 8 to 12 [sections 2921 to 2925], inclusive, of this chapter, to ascertain whether they are used for the purpose of buying or selling, as is contemplated by said sections.

Sec. 2927, as amended by Laws, 1915, ch. 216, p. 635. Milk-can inspection; fees.—It shall be the duty of the regulator of weights and measures in each county to inspect all bottles or cans used for the shipment of milk or cream, and to stamp or mark each bottle or can so inspected by him, with a stamp of inspection showing that the same has been inspected and that the capacity is correct, according to the standard measure for milk and cream in this State at the time of such inspection. For inspecting each can and stamping, as provided in this section, the said regulator of weights and measures shall

be paid by the owner or owners thereof at the time of such inspection, the sum of ten cents: *Provided, however*, The provisions of 2922a, section 9a, of this chapter, shall extend to the inspection provided by this section.

Sec. 2928 (1883). Regulators generally; keeping duplicate standards and balances in good order; attending State chemist for regulating same.—Each regulator of weights and measures shall preserve and keep, in good order, the duplicate standards belonging to the county, and the balances furnished him for regulating weights; and he shall attend, with said duplicate standards, at the office of the State chemist, when required by him in writing so to do, for the purpose of having them regulated by the originals.

Sec. 2929 (1909). Standard gallon for milk; penalty.—It shall be unlawful for any person, firm or corporation to sell or offer for sale, or to demand from any person, firm or corporation offering for sale, either wholesale or retail, any milk, skim milk or cream according to any other standard of measurement than that known as the liquid or wine measure containing two hundred and thirty-one cubic inches to the gallon: *Provided*, That nothing in this section will prevent the sale of milk, skim milk or cream by weight or percentage of butterfat.

Every person, firm or corporation and every officer, agent, servant or employee of such person, firm or corporation, who shall violate any of the provisions of this section, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five or more than one hundred dollars, or shall be imprisoned for a term of not less than ten or more than thirty days, or both, at the discretion of the court.

Sec. 2930. Standard bushel for charcoal; standard measures by weight of charcoal.—The standard measure of charcoal in this State shall be two thousand seven hundred and forty-eight cubic inches for each and every bushel thereof, and when sold by weight, a bushel shall be twenty pounds, commercially dry.

Laws, 1921, ch. 190, p. 622.

Sec. 4. Food, misbranding.—* * * That, for the purposes of this act, an article shall also be deemed to be misbranded: * * *

In the case of food: * * *

3. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

Revised Code, 1915, ch. 82, p. 1361.

Sec. 2931°. Mason work; rules for measurement of.—The following shall be the rules for the measurement of mason work in this State:

The units of measurement shall be as follows:

1. For excavation, the cubic yard; for concrete foundation, the cubic yard; for concrete floors, the superficial foot; for dimension stone footings, the superficial foot; for dimension stone bridge masonry, the cubic foot; for dimension stone surface dressing, the superficial foot, extra price; for rubble work, the perch of twenty-four and three-quarters cubic feet; for rubble work surface dressing, the superficial foot, extra price; for brick work, the thousand brick;

for plastering plain surfaces, the superficial yard; for plastering cornices, the running and superficial foot.

2. A perch of stone shall contain, when measured in the wall, twenty-four and three-quarters cubic feet; when measured in square piles on the ground, twenty-seven cubic feet; when measured in boats, thirty cubic feet; when measured in cars, thirty-one and one-half cubic feet. All stone to be measured in the wall when practicable.

Any mason work contracted for, in which the contractor agrees to furnish both materials and labor at a stated sum per perch, shall be measured and computed according to the following rules governing the measurement of mason work, i. e., mason measure shall be the basis of settlement.

3. Excavation.—All excavation to be measured and computed by the actual amount of material displaced. No allowance for rehandling. Walls to be measured by the lineal foot in depth.

4. Concrete.—Foundation, measure actual contents. Floor, measure actual surface laid, except that no deduction be made for open tile drains.

5. Dimension Stone.—Footings to be measured each course separately. No deductions for drain or other openings under walls two feet, or less, in width. Bridge masonry, compute actual cubic contents. Surface dressing of all kinds extra.

6. Rubble Work.—Footings to be measured by actual cubic contents. Footings are all such foundation courses not exceeding sixteen inches in height as are wider than the body of wall above.

7. Walls.—Compute actual contents and for each angle or corner of ninety degrees in a vertical wall, add two cubic feet for each foot in height of the wall, if the wall is battered add two and one-half cubic feet for each foot in height. For each angle of more or less than ninety degrees in any wall, add two feet in length of wall.

8. Partition Walls.—Intersections of walls, measure actual contents of the walls and add one cubic foot for each foot in height for each angle made by the faces of the intersecting walls.

9. Circular Walls.—For round walls, for length of walls, take one and one-fourth times the girt measure.

10. Pilasters and Projections.—All projections, such as chimney breasts, piers connected with walls and pilasters, to be measured actual cubic contents and add thereto one cubic foot for each intersection of the sides of such projection with the wall, and two cubic feet for each outer corner for each foot in height. If such projections are battered on the outer face, add two and one-half cubic feet instead of two cubic feet for each outer corner for each foot in height.

11. Piers.—Square or polygon piers, to be measured actual cubic contents; if vertical, two cubic feet to be added for each corner for each foot in height. If battered, add instead two and one-half cubic feet for each corner for each foot in height.

12. Round piers, add three feet to the measured diameter of the pier, and compute the contents, with this sum used as the diameter, the height to be taken as measured.

13. Stepped piers or piers with vertical off-sets.

Stepped piers or piers diminishing from the bottom by off-sets shall be computed by the above rule No. 10. And also add the sum of the areas of the level surface of the several steps (excepting the top of the pier) multiply by one foot in height.

Provided, however, That all such parts of independent piers as are six inches or more below the surface of the ground are to be computed actual contents, and one cubic foot added for each foot in height or depth.

14. Recesses and Slots.—All recesses and slots to be measured solid, and in addition thereto allow one cubic foot for each foot in height.

15. Arches.—Stone arches are classed as cut stone work.

16. Openings.—Deduct contents of windows, doors and other openings, measuring from top of sill to spring of arch, and add three cubic feet for each jamb for each foot in height of opening. No deduction to be made for cut stone trimmings and lintels.

17. Jambs.—For any jamb, caused by differences in heights in parts of the same wall, or in adjacent walls, except in junctions of partition walls, add two cubic feet for each foot in height.

18. Change in Height of Walls After Having Been Leveled.—Compute the additional amount of masonry and add thereto one foot in height of wall.

19. Gables.—Gables to be computed one and one-half times the actual contents.

20. Beam Filling.—For beam filling, on level walls, add one foot in height of wall; on gable add one foot in height of wall by the extreme width of gable at its base.

21. Minimum Height and Thickness of Wall.—No wall to be computed at less than eighteen inches in thickness, nor one foot in height.

22. Brickwork.—Compute the actual number of bricks laid. When in the wall and practicable, the number of bricks to be estimated by actual count; when not practicable to so count them the following rule to be taken as a basis for estimating the number, viz: Every superficial foot of one-half brick (four and one-half inches) wall to be estimated at six and one-half bricks; of one brick (nine inches) wall at thirteen bricks, etc. Increase the number of bricks by six and one-half bricks for every additional half brick in thickness of wall.

23. Measurement of Party Walls.—Party walls to be measured according to the above rules, and joist holes to be charged at the rate of fifteen cents each.

24. Plastering and Lathing.—To be measured by the superficial yard from floor to ceiling for walls, and from wall to wall of ceiling.

25. Corners, Beads, Etc.—All corners, angles, beads, quinks, rule joints and mouldings to be measured by the lineal foot on their longest extension. Add one foot for each stop or mitre.

26. Cornices.—Length of cornices to be measured on walls. Plain cornices, of two feet girt, or less, to be measured on walls by the lineal foot. Plain cornices exceeding two feet girt to be measured by the superficial foot. Add one lineal foot by girt for each stop or mitre. Enriched cornices (cast work) by the lineal foot for each enrichment.

27. ARCHES, CORBELS, ETC.—Arches, corbels, brackets, rings, center pieces, pilasters, capitals, vases, rosettes, basses, pendants, and niches by the piece.

28. OPENINGS.—Openings in plastering to be measured between grounds. No deduction to be made for opening of nine feet or less. For openings of more than nine feet square, deduct contents of openings.

Sec. 2932 (1898). Standard loaf of bread; short loaves.—All loaves of bread manufactured from wheat flour in whole or in part, sold or offered for sale in this State by the baker or manufacturers thereof or by any other person whether wholesale or retail shall weigh at least one pound avoirdupois weight.

If any baker or manufacturer of bread into loaves from wheat flour in whole or in part, or any other person shall in this State sell or offer to sell to any person any such loaf of said bread that shall weigh less than one pound avoirdupois weight he, she or they, or it shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay to the county wherein such sale or offer to sell is made, a fine of not less than five dollars, and not more than twenty-five dollars and upon default of the payment of said fine shall be imprisoned in the county jail not exceeding thirty days.

Sec. 2933, as amended by Laws, 1921, ch. 180, p. 575. Berry cups; hampers; barrels; peach and summer apple baskets; standards of, use of; measures, how marked; when standards not used; as a misdemeanor, penalty.—The standard pint basket or cup for fruit and berries in this State shall contain a full pint. The standard quart basket or cup for fruit and berries in this State shall contain a full quart. The standard hamper in this State shall hold a full bushel. The standard barrel for fruit and produce shall hold eleven pecks.[1] The standard peach basket shall hold one-half of a bushel. For the summer apple the standard basket shall hold one bushel. The standard basket for all potatoes, tomatoes, turnips, onions and cabbage shall hold five-eighths of a bushel.

In measuring all forms of fruit and produce dry measure shall be used.

Every person or corporation in this State handling, shipping or selling fruit or produce in cups or baskets, hampers, barrels, peach baskets, summer apple baskets, and all potato, tomato, turnip, onion and cabbage baskets shall use the standard cup or basket, hamper, barrel, peach basket, summer apple basket, or potato, tomato, turnip, onion or cabbage basket, or if he or it shall use a different size from that herein designated as standard for any of these fruits or produce, he shall clearly mark upon the outside of such cup or basket, hamper, barrel, peach basket, summer apple basket or potato, tomato, turnip, onion or cabbage basket, in figures not less than one inch in height the exact amount which such cup or basket, hamper, barrel, peach basket, summer apple basket or potato, tomato, turnip, onion or cabbage basket does hold.

Whoever shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not less than ten dollars for each offense.

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[1] See footnote, p. 20, relative to Federal standard barrel law.

Sec. 2934, as amended by Laws, 1919, ch. 196, p. 522. Standard ton of coal to contain 2,240 pounds avoirdupois; violation a misdemeanor; fraud in sale of coal and ice.—The legal standard ton for coal in this State shall be two thousand two hundred and forty pounds avoirdupois weight; any coal dealer or other person selling or sending out into the highways, lanes, or streets of this State, or any city or town of this State, or otherwise disposing of a load of coal containing less than two thousand two hundred and forty pounds avoirdupois for a ton, except when delivering fractions of a ton, or if delivering a fraction of a ton and said fraction of a ton contains less relatively than the legal standard of two thousand two hundred and forty pounds avoirdupois, the dealer or other person so acting shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be compelled to pay a fine of fifty dollars.

And every person, firm or corporation delivering or attempting to deliver in the way of sale in Kent or Sussex County of this State any quantity of coal or ice purporting to be of a greater net weight than the same shall actually be at the time of delivery shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of one hundred dollars for the first offense, which fine shall be doubled for any second offense and doubled progressively for each subsequent offense thereafter, which penalty shall in Kent and Sussex Counties be in lieu of the penalty prescribed by the foregoing paragraph of this section.

Sec. 2935°. Measure for oysters sold in shell.—The measure for oysters sold in the shell by the bushel, shall be as provided by section 129 [section 2486] of chapter seventy-four.

Rev. Code, 1915, ch. 74, p. 1146.

Sec. 2486 (1899). Measures for oysters sold in shell; violation; misdemeanor; penalty.—All oysters sold in the shell by the bushel measure in this State, shall be measured in a circular bushel tub with straight sides and straight solid bottom, and said tub shall have the following dimensions, viz: Fifteen inches in diameter across the top from inside to inside, and thirteen inches and three-quarters across the bottom from inside to inside, and twenty inches diagonal from inside chime to top. Any person or persons engaged in buying or selling oysters in this State and measuring the same in any measure contrary to the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined ten dollars and costs. The person or persons upon failure to pay said fine shall be imprisoned for a term of not less than twenty days nor more than thirty days in the county jail. The proceeds to go one-half to the informer and one-half to be paid over to the collector of oyster revenue, for the use of the State. Any justice of the peace in any county of this State shall have jurisdiction to hear and determine all violations of this section with the power to enforce its provisions.

Rev. Code, 1915, ch. 113, p. 1721.

Sec. 3782°. Standard weights; custody, etc.—The prothonotary shall preserve and keep in good order the duplicate standards of weights and measures deposited in his office; but he shall allow the regulator of weights and measures of his county free access to, and use of, the said duplicates, and the occasional custody of them, as may be required for the discharge of his duties.

Revised Code, 1915, ch. 83, p. 1372.

Sec. 2936°. Wheat, Indian corn, and Indian meal; weight of bushel.—When wheat, or Indian corn, is sold by the bushel, and there is no special agreement as to the measurement, or weight thereof, the bushel shall consist of sixty pounds of wheat, and fifty-six pounds of corn. Whenever Indian-corn meal shall be sold by the bushel, and no special agreement as to the measurement or weight thereof shall be made by the parties, the bushel, if sifted, shall consist of forty-four pounds, and if unsifted the bushel shall consist of forty-eight pounds.

Sec. 2937. Regulation and size of casks for exportation; packages of meal; hogshead.—All casks for the exportation of breadstuffs shall be made of good seasoned materials, well hooped and nailed, and shall be of the following sizes, viz: No. 1, 27 inches long, 16½ inches diameter at the head, and to contain 196 pounds; No. 2, 22¾ inches long, 12½ inches diameter, and to contain 98 pounds; and if any person shall export from New Castle County to any foreign port, or place, beyond the United States, or shall sell for such exportation any wheat flour, rye flour, or middlings of wheat, packed in casks made of unseasoned materials, or of other dimensions, or of less weight per cask, than these respectively, he shall forfeit and pay to the flour inspector forty cents per cask, and shall have remedy over for damages against the miller, or cooper, who furnished the same.

Indian-corn meal, made from corn sufficiently kiln-dried, shall be packed for exportation from New Castle County, or from Middleford, or Seaford in Sussex County, to any foreign port, or any port in the United States where there are no inspection laws, in strong tight hogsheads, made of good seasoned white, or red oak, well hooped and secured—the staves forty-one inches long, twenty-seven inches diameter at the head and to contain 800 pounds net, or in casks twenty-six inches long, 16½ inches diameter and to contain 196 pounds, or in half barrels 22 inches long, 12½ inches diameter, and to contain 98 pounds, under the same penalty herein provided for flour; except that wheat flour, or kiln-dried Indian-corn meal, may be exported in sacks, or packages, if inspected and passed, and the same fees paid for inspection as in proportion for barrels.

Sec. 2938. Brands to be used.—Each miller shall brand, or mark, with his own name, or some name by which it may be distinguished as his, every cask, or hogshead, of breadstuffs manufactured by him for exportation, and mark the kind and quality, and weight, tare and net, under penalty of twenty cents for each cask, or hogshead, not branded, to anyone who will sue for the same; and if any person shall mark a false weight, or wrong tare, to the disadvantage of the purchaser, he shall forfeit and pay to the inspector one dollar for each cask, or hogshead, so falsely branded.

Sec. 2940 (1899). Weight of flour or meal to be marked; penalty; misbranding.—Each and every bag, package, parcel or box of flour or grain meal of any kind exposed or offered for sale to consumers in this State shall have marked or printed prominently, distinctly and conspicuously thereon the correct and exact weight in avoirdupois

of the flour or other grain meal contained in such bag, package, parcel or box.

It shall be unlawful for any person or persons, firm or firms, corporation or corporations to offer or expose for sale, any bag, package, parcel or box of flour or any kind of grain meal, unless the same has printed or marked thereon as aforesaid the exact and correct weight as aforesaid. Every person or firm or firms violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall forfeit and pay a fine of twenty-five dollars, besides the costs of suit.

If any person or persons, firm or firms, corporation or corporations shall print or mark the weight of flour or other grain meal on any such bag, package, parcel or box as aforesaid falsely or incorrectly or in any way to deceive the public, such person or persons, firm or firms, corporation or corporations, shall upon conviction thereof, forfeit and pay a fine of twenty-five dollars besides the costs of suit.

Revised Code, 1915, ch. 21, p. 313.

Sec. 697, as amended by Laws, 1921, ch. 33, p. 142. Commercial feeding stuffs, how marked.—48J. Every lot or parcel of commercial feeding stuffs sold, offered or exposed for sale, or distributed within this State shall have affixed thereto a tag or label, in a conspicuous place on the outside, containing a legible and plainly written statement in the English language, clearly and truly certifying:

(*a*) The net weight of the contents of the package, lot or parcel;

(*b*) The name, brand or trade-mark;

(*c*) The name and principal address of the manufacturer or person responsible for placing the commodity on the market; * * *

Revised Code, 1915, ch. 22, p. 333.

Sec. 699, as amended by Laws, 1917, ch. 48, p. 127. Commercial fertilizer; net weight to be marked.—Every person who shall sell, offer or expose for sale, or have in his possession with intent to sell, in this State, any commercial fertilizer or manure, shall affix conspicuously to every package thereof a plainly printed statement, clearly and truly certifying the number of net pounds of fertilizer in the package, the name, brand or trade-mark under which the fertilizer is sold, the name and address of the manufacturer, the place of manufacture * * *.

Laws, 1923, ch. 54, p. 123.

Sec. 2. All liming materials to be labeled; net weight.—Any person, manufacturer, corporation, dealer, agent or importer that shall sell, offer or expose for sale any liming material to be used in agriculture in this State shall affix or cause to be affixed to every package or sample or lot of such liming material in a conspicuous place on the outside thereof a tag, label, stencil or certificate, which shall be accepted as a guarantee of the person, importer, manufacturer, corporation or agent, and which shall have plainly printed thereon in the English language the following information:

1. The net weight of the package or sample, excluding goods shipped in bulk.

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Laws of 1919, ch. 125, p. 281.

Sec. 1. **Wilmington coal-weighing stations; penalty for short weighing.**—That the council of the mayor and council of the city of Wilmington be and it is hereby empowered to establish and maintain coal weighing stations in the city of Wilmington and prescribe and collect a penalty for short-weight selling thereof.

Laws, 1903, ch. 400, p. 831.

Sec. 1. **Inspector of plumbing in Wilmington to be also gas inspector.**—From and after the first day of May, A. D. 1903, the inspector of plumbing, of the city of Wilmington, shall assume the duties of gas inspector in and for the said city, and shall perform the duties hereinafter provided for.

Sec. 8. **Inspection of meter upon application of consumer.**—Any consumer of gas can have his meter tested under the supervision of the gas inspector upon filing application for same. If meter proves correct in accordance with United States standard, the applicant shall pay costs of said test: *Provided however*, The cost shall not exceed fifty cents. If the said meter should not conform to above standard the costs of said test shall be borne by the gas company.

Sec. 9. **Fees to be paid to city treasurer.**—All fees so collected shall be paid monthly into the treasury of the city of Wilmington.

Laws, 1921, ch. 36, p. 155.

Sec. 2. **Babcock test.**—It shall be unlawful for any person, association, copartnership, or corporation, their agents or servants, engaged in the business of buying milk or cream on the basis of, or in any manner with reference to, the amount or percentage of butterfat contained therein, to underread, overread, or otherwise fraudulently manipulate the test, commonly known as the "Babcock test," used for determining the percentage of such fat in said milk or cream, or to falsify the record thereof, or to make the "Babcock" reading except when the fat has a temperature of one hundred thirty degrees to one hundred forty-five degrees Fahrenheit, or to use for such test quantities other than seventeen and six-tenths (17.6) cubic centimeters in the case of milk, and nine (9) grams or eighteen (18) grams in the case of cream. In all tests of cream, the cream shall be weighed and not measured into the test bottle.

Sec. 3. **Standard Babcock test glassware.**—No person, association, copartnership, or corporation, purchasing milk or cream, and paying for the same, on the basis of the percentage of butterfat contained therein, shall, if the percentage of butterfat is ascertained by the said "Babcock test," use any test glassware except standard Babcock test glassware. If the proportion of butterfat is determined by any method other than the "Babcock test," no utensil or instrument shall be used in such determination until the same has been inspected and approved by the State board of agriculture.

Sec. 7. **True weight of milk or cream.**—No person, association, copartnership, or corporation, purchasing or selling milk or cream, or both, by weight, and no agent or servant of any such person, association, copartnership, or corporation, shall fraudulently use, as the basis of payment for such purchase, any weight other than the true weight of the milk or cream so purchased or sold.

Sec. 10. Penalty.—Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than one hundred dollars ($100), or imprisonment in the county jail for not more than thirty days, or both, in the discretion of the court.

Laws, 1923, ch. 197, p. 586.

Sec. 1. Eastern standard time for legal purposes.—That from and after the passage of this act, eastern standard time shall be the standard time for all official and legal purposes in this State. All State officials, county officials, courts, justices of the peace, schools and banks shall conduct their respective offices and duties in accordance with this provision.

DISTRICT OF COLUMBIA

41 Stat., ch. 118, p. 1217.

Sec. 1 (1921), Department of Weights, Measures, and Markets created, superintendent, appointment, and salary; custody of United States standard weights and measures; assistants, etc., authorized.—That there is hereby created an executive department in the government of the District of Columbia which shall be known as the department of weights, measures, and markets. Such department shall be in charge of a superintendent of weights, measures, and markets, who shall be appointed by and be under the direction and control of the Commissioners of the District of Columbia and shall receive a salary of $2,500 per annum. He shall have the custody and control of such standard weights and measures of the United States as are now or shall hereafter be provided by the District of Columbia, which shall be the only standards for weights and measures in said District.

The commissioners are also authorized to appoint, on the recommendation of the superintendent, such assistants, inspectors, and other employees for which Congress may, from time to time, provide.

Sec. 2. Bond and oath.—That the superintendent shall, before entering upon the performance of his duties, give bond to the District of Columbia in the penal sum of $5,000, signed by two sureties or by a bonding company, to be approved by the commissioners, conditioned on the faithful discharge of the duties of his office, and shall take and subscribe an oath or affirmation before the commissioners that he will faithfully and impartially discharge the duties of his office, which bond and oath shall be deposited with the commissioners.

Sec. 3. Powers conferred; inspection of weights, measures, etc., every six months; approval or condemnation to be marked, etc.; unsuitable, etc., devices to be condemned; use of scales, etc., forbidden, unless approved within six months; notice for inspection of unapproved scales, etc.; portable measures to be inspected; peddlers, etc., to have weights tested, etc., semiannually; not applicable to Government devices.—That the superintendent and, under his direction, his assistants and inspectors, shall have exclusive power to perform all the duties provided in this act. They shall, at least every six months, and oftener when the superintendent thinks proper inspect, test, try, and ascertain whether or not they are correct, all weights, scales, beams, measures of every kind, instruments or mechanical devices for weighing or measuring, and all tools, appliances, or accessories connected with any or all such instruments or mechanical devices for weighing or measuing used or employed in the District of Columbia by any owner, agent, lessee, or employee in determining the weight, size, quantity, extent, area, or measurement of quantities, things, produce, or articles of any kind offered for transportation, sale, barter, exchange, hire, or award, or the weight of persons for a charge or compensation, and shall approve and seal, stamp or mark, in the manner prescribed by the com-

missioners, such devices or appliances as conform to the standards kept in the office of the superintendent, and shall seize and destroy or mark, stamp, or tag with the word "condemned" such as do not conform to the standards, and shall also mark the date of such condemnation upon the same. Any weight, scale, beam, measure, weighing or measuring device of any kind which shall be found to be unsuitable for the purpose for which it is intended to be used or of defective construction or material shall be condemned. No person shall use or, having the same under his control, shall permit to be used for any of the purposes enumerated in this act any weight, scale, beam, measure, weighing or measuring device whatsoever unless the same has been approved in accordance with the provisions of this act within six months prior to such use, or that does not conform to the standards kept in the office of the superintendent of weights, measures, and markets, or which, having been condemned, has not thereafter been approved as provided in this act.

Any person who shall acquire or have in his possession after the passage of this act any unapproved scale, weighing instrument, or nonportable measure or measuring device, subject to inspection or test under the provisions of this act, shall notify the superintendent in writing at his office, giving a general description thereof, and the street and number or other location where same may be found, and it shall be the duty of the superintendent to cause the same to be inspected and tested within a reasonable time after receipt of such notice. Any person who shall acquire or have in his possession after the passage of this act any unapproved portable measure or measuring device subject to inspection or test shall cause the same to be taken to the office of the superintendent for inspection and test.

Every peddler, hawker, huckster, transient merchant, or other person with no fixed or established place of business shall, before using any weight, scale, measure, weighing or measuring device for any of the purposes enumerated in this act, cause the same to be taken to the office of the superintendent for inspection and test semiannually, and shall not use for the purposes herein mentioned any weight, scale, measure, weighing or measuring device which has not been approved within six months prior to the time of such use.

Nothing herein shall be construed to require the superintendent to test any weighing or measuring device belonging to the United States.

Sec. 4. Use of altered or repaired scales, etc., without inspection, forbidden; inspection seals, etc., not to be altered, etc.—That no person shall use or, having the same under his control, permit to be used, any weight, scale, measure, weighing or measuring device, or any attachment or part thereof after the same has been altered or repaired without the same having been inspected and approved as provided herein after such alterations or repairs have been made, and no persons shall alter, obliterate, detach, obscure, or conceal any condemnation seal, stamp, mark, tag, or label, attached or impressed by the superintendent or any of his assistants or inspectors, without written permission of the superintendent.

Sec. 5. Refusing, obstructing, etc., tests, forbidden.—That no person shall neglect, fail, or refuse to exhibit any weight, scale, beam, measure, weighing or measuring device, subject to inspection or test under the provisions of this act, to the superintendent or any of his assist-

ants or inspectors for the purpose of inspection and test, and no person shall in any manner obstruct, hinder, or molest the superintendent or any of his assistants, inspectors, or other employees in the performance of their duties.

Sec. 6. Detailed record of inspections to be kept.—That the superintendent shall keep in his office a record of weighing and measuring devices inspected, which record shall show the type of device, the name and address of the owner, the date of inspection, and whether the same was approved or condemned. Such record shall be open to the public during regular office hours.

Sec. 7. True weight, etc., required of commodities sold; buyer to take only actual weight, etc.—That no person shall sell, offer for sale, keep, or expose for sale anywhere in the District of Columbia any commodity of any kind as a weight, measure, or numerical count greater than the actual or true weight, measure, or numerical count thereof, and no person shall take or attempt to take more than the actual and true weight, measure, or numerical count of any commodity, when, as buyer, he is permitted by the seller to determine the weight, measure, or numerical count thereof.

Sec. 8. Sales by net weight; ton; coal.—That when any commodity is sold by weight it shall be net weight. When any commodity, except coal, is sold by the ton, it shall be understood to mean two thousand pounds avoirdupois. Coal shall be sold by the long ton, consisting of two thousand two hundred and forty pounds avoirdupois.

Sec. 9. Slot vending machines; regulations governing; name and address of owner, etc.; refunds if service, etc., not received.—That no person, firm, or corporation shall erect, operate, or maintain, or cause to be erected, operated, or maintained within the District of Columbia any coin-in-the-slot machine or automatic vending device without placing in charge thereof some responsible person. No such machine shall be maintained for use when the same is not in perfect working order, and the person in charge as well as the owner of such machine or device shall be held responsible for operating or maintaining any such machine or device which is not in perfect working order. A sign or placard shall be placed on every such machine or device in a conspicuous place and shall contain the name and business address of the owner and of the person in charge of such machine or device, and shall state that the person in charge of such machine or device will refund to any person money deposited by him for which the commodity or service promised expressly or impliedly has not been received, and such person shall so refund such money.

Sec. 10. Sales tickets; requirements for use of.—That every person, firm, or corporation shall, when a sales ticket is given with a purchase, cause such sales ticket to show the correct name and address of such person, firm, or corporation and the weight, measure, or numerical count, as the case may be, of each commodity sold to the purchaser, and every such person, firm, or corporation is hereby required to deliver such sales ticket to such purchaser when requested to do so by such purchaser at the time of the sale.

Sec. 11. Coal, charcoal, and coke to be sold by weight; delivery receipts, etc.; verifying weight by inspectors; provisos; delivery of smaller quantities; package sales; moisture limit; name of vendor, etc., on vehicle.—That it shall be unlawful to sell or offer for sale in the District of

Columbia any coal, charcoal, or coke in any other manner than by weight. No person shall deliver or attempt to deliver any coal, charcoal, or coke without accompanying same by a delivery ticket and a duplicate thereof, the original of which shall be in ink or other indelible substance, on each of which shall be expressed distinctly in pounds, avoirdupois, the gross weight of the load, the tare of the delivery vehicle or receptacle, and the net weight of coal, charcoal, or coke contained in the vehicle or receptacle used in making delivery, with the name and address of the purchaser and the name and address of the person, firm, or corporation from whom or which purchased. Upon demand of the superintendent or any of his assistants or inspectors upon the person in charge of the vehicle of delivery, the original of these tickets shall be surrendered to the official making such demand. The duplicate ticket shall be delivered to the purchaser of said coal, charcoal, or coke, or to his agent or representative, at the time of delivery of such coal, charcoal, or coke. Upon demand of the superintendent or any of his assistants or inspectors, or of the purchaser or intended purchaser, his agent or representative, the person delivering such coal, charcoal, or coke shall convey the same forthwith to some public scale, or to any legally approved private scale in the District of Columbia, the owner of which may consent to its use, and shall permit the verifying of the weight, and after the delivery of such coal, charcoal, or coke shall return forthwith with the wagon or other conveyance used to the same scale and permit to be verified the weight of the wagon or other conveyance: *Provided*, That when coal, charcoal, or coke is sold in a quantity less than two hundred and eighty pounds and is not weighed in a wagon, cart, or other vehicle, it shall be sufficient for the seller to deliver to the purchaser, his agent or representative, a ticket showing the name and address of the vendor, the name of the purchaser, and the true net weight of the coal, charcoal, or coke so sold or delivered: *Provided further*, That when coal, charcoal, or coke is sold in packages of fifty pounds or less, it shall be sufficient to plainly mark each package with the name of the person, firm, or corporation making such package and the true net weight of the coal, charcoal, or coke contained therein.

No coal, charcoal, or coke shall be sold which contains at the time the weight is taken more water or other liquid substance than is due to the natural condition of the coal, charcoal, or coke.

Every vendor of coal, charcoal, or coke shall cause his name and address to be conspicuously displayed on both sides of every vehicle used by or for him for the sale or delivery of coal, charcoal, or coke.

Sec. 12. Ice; regulations for sale by weight; scale requirements.—That it shall be unlawful to sell, within the District of Columbia, any ice in any manner other than by weight, such weight to be ascertained at the time of delivery of such ice, and every person, or in case of a firm, copartnership, or corporation, the person in charge of its business in the District of Columbia, engaged in the sale of ice shall keep on each of his or its wagons or other vehicles used in the sale or delivery of ice, while in use, a scale suitable for weighing ice which has been tested and approved in accordance with the provisions of this act. Every scale used for weighing ice in making sales in quantities of one hundred pounds or less shall have graduations of one pound or less. Scales used for weighing ice in making

sales in quantities of more than one hundred pounds may have graduations of five pounds or less.

Sec. 13, as amended by act of Aug. 24, 1921. Bread; standard loaf adopted; other sizes; labels required; details; scales at bakeries, etc.; crackers, pretzels, etc.; proviso; variance allowed.—That the standard loaf of bread manufactured for sale, sold, offered, or exposed for sale in the District of Columbia shall weigh one pound avoirdupois, but bread may also be manufactured for sale, sold, offered, or exposed for sale in loaves of one-half pound, one pound and a half, or multiples of one pound, but shall not be manufactured for sale, sold, offered, or exposed for sale in other than the aforesaid weights. Every loaf of bread manufactured for sale, sold, offered, or exposed for sale in the District of Columbia shall have affixed thereon, in a conspicuous place, a label at least one inch square, or, if round, at least one inch in diameter, upon which label there shall be printed in plain boldface Gothic type, not smaller than twelve point, the weight of the loaf in pound, pounds, or fraction of a pound, as the case may be, whether the loaf be a standard loaf or not, the letters and figures of which shall be printed in black ink upon white paper. The business name and address of the maker, baker, or manufacturer of the loaf shall also be plainly printed on each such label. Every seller of bread in the District of Columbia shall keep a suitable scale which shall have been inspected and approved in accordance with the provisions of this act in a conspicuous place in his bakery, bakeshop, or store, or other place where he is engaged in the sale of bread, and shall, whenever requested by the buyer, and in the presence of the buyer, weigh the loaf or loaves of bread sold or offered for sale. Nothing herein shall apply to crackers, pretzels, buns, rolls, scones, or to loaves of fancy bread weighing less than one-fourth of one pound avoidupois, or to what is commonly known as stale bread, provided the seller shall, at the time the sale is made, expressly state to the buyer that the bread so sold is stale bread: *Provided*, That any loaf of bread weighing within 10 per centum in excess or within 4 per centum less than standard weight shall be deemed of legal weight.

Sec. 14. Milk; capacity of bottles, etc.—That bottles or jars used for the sale of milk or cream shall be of the capacity of one gallon, half-gallon, three pints, one quart, one pint, half-pint, or one gill when filled to the bottom of the cap seat, stopple, or other designating mark. Such bottles or jars shall have clearly blown or otherwise permanently marked in the side of each such bottle or jar or printed on the cap or stopple the name and address of the person, firm, or corporation who or which shall have bottled such milk or cream. Any person who uses, for the purpose of selling milk or cream, bottles or jars which do not comply with the requirements of this section shall be deemed guilty of using false measure.

Sec. 15. Standard dry commodities containers established; barrel for fruits, vegetables, etc.; dimensions; proviso; varying form; barrel for cranberries; sales in less capacities unlawful; Climax baskets for grapes, etc.; dimensions; two-quart baskets; four-quart basket; twelve-quart basket; six-basket carrier crate; four-basket flat crate; container for berries, cherries, beans, etc.; lug boxes; hampers; round-stave baskets; apple box; pear box; onion crate; sales of fruits, etc., except in standard containers, or weight or count, forbidden; full quantity required; pro-

viso; bunch vegetables; kale, spinach, etc.—That standard containers for the sale of fruits, vegetables, and other dry commodities in the District of Columbia shall be as follows:

(*a*) That standard barrel for fruits, vegetables, and other dry commodities other than cranberries, shall be of the following dimensions when measured without distention of its parts: Length of stave, twenty-eight and one-half inches; diameter of heads, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of bulge, sixty-four inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch: *Provided*, That any barrel of a different form having a capacity of seven thousand and fifty-six cubic inches shall be a standard barrel. The standard barrel for cranberries shall be of the following dimensions when measured without distention of its parts: Length of staves, twenty-eight and one-half inches; diameter of head, sixteen and one-fourth inches; distance between heads, twenty-five and one-fourth inches; circumference of bulge, fifty-eight and one-half inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch. It shall be unlawful to sell, offer, or expose for sale in the District of Columbia a barrel containing fruits or vegetables or any other dry commodity of less capacity than the standard barrels defined in this act, or subdivisions thereof known as the third, half, and three-quarter barrel.

(*b*) Standards for Climax baskets for grapes and other fruits and vegetables shall be the two-quart basket, four-quart basket, and twelve-quart basket, respectively.

The standard two-quart Climax basket shall be of the following dimensions: Length of bottom piece, nine and one-half inches; width of bottom piece, three and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, three and seven-eighths inches, outside measurement; top of basket, length eleven inches and width five inches, outside measurement. Basket to have a cover five by eleven inches, when a cover is used.

The standard four-quart Climax basket shall be of the following dimensions: Length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenths inches, outside measurement; top of basket, length fourteen inches; width six and one-fourth inches, outside measurement. Basket to have cover six and one-fourth inches by fourteen inches, when cover is used.

The standard twelve-quart Climax basket shall be of the following dimensions: Length of bottom piece, sixteen inches; width of bottom piece, six and one-half inches; thickness of bottom piece, seven-sixteenths of an inch; height of basket, seven and one-sixteenth inches, outside measurement; top of basket, length nineteen inches, width nine inches, outside measurement. Basket to have cover nine inches by nineteen inches, when cover is used.

(*c*) The six-basket carrier crate for fruits and vegetables shall contain six four-quart baskets, each basket having a capacity of two hundred and sixty-eight and eight-tenths cubic inches.

(*d*) The four-basket flat crate for fruits and vegetables shall contain four three-quart baskets, each basket having a capacity of two hundred and one and six-tenths cubic inches.

(*e*) The standard box, basket, or other container for berries, cherries, shelled peas, shelled beans, and other fruits and vegetables of similar size shall be of the following capacities standard dry measure: One-half pint, pint, and quart. The one-half pint shall contain sixteen and eight-tenths cubic inches; the pint shall contain thirty-three and six-tenths cubic inches; the quart shall contain sixty-seven and two-tenths cubic inches.

(*f*) Standard lug boxes for fruits and vegetables shall be the one-half bushel box and the one-bushel box.

The one-half bushel lug box shall be of the following inside dimensions: Length, seventeen inches; width, ten and five-tenths inches; depth, six inches.

The one-bushel lug box shall be of the following inside dimensions: Length, twenty and three-fourths inches; width, thirteen inches; depth, eight inches; and no lug box of other than the foregoing dimensions shall be used in the District of Columbia.

(*g*) The standard hampers for fruits and vegetables shall be the one-peck hamper, one-half bushel hamper, one-bushel hamper, and one and one-half bushel hamper.

The one-peck hamper shall contain five hundred and thirty-seven and six-tenths cubic inches; the one-half-bushel hamper shall contain one thousand and seventy-five and twenty-one one-hundredths cubic inches. The one-bushel hamper shall contain two thousand one hundred and fifty and forty-two one-hundredths cubic inches, and the one and one-half bushel hamper shall contain three thousand two hundred and twenty-five and sixty-three one-hundredths cubic inches.

(*h*) The standard round-stave baskets for fruits and vegetables shall be the one-half bushel basket, one-bushel basket, one and one-half bushel basket, and two-bushel basket.

The one-half-bushel basket shall contain one thousand and seventy-five and twenty-one one-hundredths cubic inches. The one-bushel basket shall contain two thousand one hundred and fifty and forty-two one-hundredths cubic inches. The one-and-one-half-bushel basket shall contain three thousand two hundred and twenty-five and sixty-three one-hundredths cubic inches, and the two-bushel basket shall contain four thousand three hundred and eighty-four one-hundredths cubic inches.

(*i*) The standard apple box shall contain two thousand one hundred and seventy-three and five-tenths cubic inches and be of the following inside dimensions: Length, eighteen inches; width, eleven and one-half inches; depth, ten and one-half inches.

(*j*) The standard pear box shall be of the following inside dimensions: Length, eighteen inchese; width, eleven and one-half inches; depth, eight and one-half inches.

(*k*) The standard onion crate shall be of the following inside dimensions: Length, nineteen and five-eighths inches; width, eleven and three-sixteenths inches; depth, nine and thirteen-sixteenths inches.

(*l*) No person shall sell, offer, or expose for sale in the District of Columbia any fruits, vegetables, grain, or similar commodities in any manner except in the standard containers herein prescribed or by weight or numerical count; and no person shall sell, offer, or ex-

pose for sale, except by weight or numerical count, in the District of Columbia any commodity in any container herein prescribed which does not contain, at the time of such offer, exposure, or sale, the full capacity of such commodity compactly filled: *Provided*, That fresh beets, onions, turnips, rhubarb, and other similar vegetables, usually and customarily sold by the bunch, may be sold by the bunch.

All kale, spinach, and other similar leaf vegetables shall be sold at retail by net weight.

Sec. 16. Containers not permitted as substitutes for dry measure.—That nothing in this act contained shall be construed as permitting the use as a dry measure or substituting for a dry measure any of the following containers: Barrels, boxes, lug boxes, crates, hampers, baskets, or climax baskets; and the use of any such container as a measure is hereby expressly prohibited, and the user shall be fined or imprisoned as herein provided for other violations of this act.

Sec. 16½. Package form food; marking required; tolerances permitted.—That no person shall sell, offer, or expose for sale in the District of Columbia any food in package form unless the quantity of contents is plainly and conspicuously marked on the outside of each package in terms of weight, measure, or numerical count. The commissioners are authorized to establish and allow reasonable variations, tolerances, and exemptions as to small packages.

Sec. 17. Firewood.—That a cord of wood shall contain one hundred and twenty-eight cubic feet. Wood more than eight inches in length shall be sold by the cord or fractional part thereof, and when delivered shall contain one hundred and twenty-eight cubic feet per cord when evenly and compactly stacked. Split wood, eight inches or less in length, may be sold by such standard loads as shall be fixed by the commissioners.

Sec. 18. Liquid measures; standard contents; no other deemed legal.—That the standard liquid gallon shall contain two hundred and thirty-one cubic inches; the half gallon, one hundred and fifteen and five-tenths cubic inches; the quart, fifty-seven and seventy-five hundredths cubic inches; the pint, twenty-eight and eight hundred and seventy-five thousands cubic inches; the half pint, fourteen and four hundred and thirty-seven thousandths cubic inches; the gill, seven and two hundred eighteen thousandths cubic inches; the fluid ounce, one and eight-tenths cubic inches; and no liquid measure of other than the foregoing capacities, except multiples of the gallon, shall be deemed legal liquid measure in the District of Columbia.

Sec. 19. Oysters; fish.—That shucked oysters shall be sold only by liquid measure or numerical count, and whenever there is included in the sale by measure of shucked oysters more than 10 per centum of oyster liquid or other liquid substance, the vendor shall be deemed guilty of selling short measure.

All fish shall be sold by avoirdupois weight.

Sec. 20. Automatic measuring pumps; regulations governing use, etc.; inspection.—That every user of an automatic measuring pump or similar device, shall, when the supply of the commodity which he is measuring for sale with such pump or similar device, is insufficient to deliver correct measure of such commodity by the usual or customary method of operating such pump or device or when, for any cause whatever, such pump or device does not, by the usual or customary method of operating same, deliver correct measure, place a

sign with the words, "Out of use" in a conspicuous place on such pump or device where it may readily be seen, and shall forthwith cease to use the same until his supply of such commodity is replenished or until such pump or device is repaired, adjusted, or otherwise put in condition to deliver correct measure. All automatic measuring pumps or other similar measuring devices in use shall be subject to inspection, and approval or condemnation, whether used for measuring or not.

Sec. 21. Stated prices; pro rata for smaller quantities.—That whenever any commodity is offered for sale at a stated price for a stated quantity, a smaller quantity shall be sold at a pro rata price unless the purchaser is informed to the contrary at the time of sale.

Sec. 22. Right to inspect packages, etc., declared.—That the superintendent, or under his direction, his assistants and inspectors, shall from time to time weigh or measure and inspect packages or amounts of commodities of whatever kind kept for sale, offered or exposed for sale, sold, or in the process of delivery, in order to determine whether or not the same are kept for sale, offered for sale, or sold in accordance with the provisions of this act, and no person shall refuse to permit such weighing, measuring, or inspection whenever demanded by the superintendent or any of his assistants or inspectors.

Sec. 23. Dealing in weights etc., by employees, unlawful.—That it shall be unlawful for the superintendent or any employee of his office to vend any weights, measures, weighing or measuring device, or to offer or expose the same for sale, or to be interested, directly or indirectly, in the sale of same.

Sec. 24. Police powers conferred; right to enter premises except private residences.—That there is hereby conferred upon the superintendent, his assistants and inspectors, police power, and in the exercise of their duties they shall, upon demand, exhibit their badges to any person questioning their authority; and they are authorized and empowered to make arrests of any person violating any of the provisions of this act. The superintendent, his assistants, and inspectors may, for the purpose of carrying out and enforcing the provisions of this act and in the performance of their official duties, with or without formal warrant, enter or go into or upon any stand, place, building, or premises, except a private residence, and may stop any vendor, peddler, dealer, vehicle, or person in charge thereof for the purpose of making inspections or tests.

Sec. 25. Tolerances to be established; Federal statutes to govern.—That the commissioners are hereby authorized and empowered to establish tolerances and specifications for scales, weights, measures, weighing or measuring instruments or devices, and containers used in the District of Columbia. The commissioners shall prescribe and allow for barrels, containers, and packages, provided for in this act, the same specifications, variations, or tolerances that have been prescribed or established, or that may hereafter be prescribed or established for like barrels, containers, or packages by any officer of the United States in accordance with any requirement of an act of Congress.

Sec. 26. Public scales, regulations governing.—That the commissioners are authorized to appoint public weighmasters and grant licenses

for the location of public scales in the District of Columbia under such regulations as they may prescribe, and authorize such weighmasters to charge such fees as the commissioners may approve and fix in advance, and they may grant permits, revocable on thirty days' notice, for the location of such public scales on public space under their control. No person other than a duly appointed and qualified public weighmaster shall do public weighing or make any charge or accept any compensation therefor.

Sec. 27. Authority of inspectors, etc.—That the powers and duties granted to and imposed on the superintendent by this act are also hereby granted to and imposed on his assistants and inspectors when acting under his instructions.

Sec. 28. Supervision of public markets.—That the superintendent, under the direction of the commissioners, shall have supervision of all produce and other markets owned by the District of Columbia, shall enforce such regulations regarding the operation of the same as the commissioners may make, shall make such investigations regarding the sale, distribution, or prices of commodities in the District of Columbia as the commissioners may direct, and shall make reports and recommendations in connection therewith.

Sec. 29. Words construed, "commissioners," "superintendent."—That wherever the word "commissioners" is used in this act, it shall be construed to mean the Commissioners of the District of Columbia. Wherever the word "superintendent" is used in this act, it shall be construed to mean the superintendent of weights and measures, and markets.

Sec. 30. "Person," singular or plural, interchangeable.—That the word "person," as used in this act, shall be construed to include copartnerships, companies, corporations, societies, and associations. Wherever any word in this act is used in the singular, it shall be construed to mean either singular or plural, and wherever any word in this act is used in the plural, it shall be construed to mean either plural or singular, as the circumstances demand.

Sec. 31. Each section and provision declared independent; invalidity of one not to affect others.—That each section of this act, and every provision of each section, is hereby declared to be an independent section or provision, and the holding of any section or provision of any section to be void, ineffective, or unconstitutional for any cause whatever shall not be deemed to affect any other section or provision thereof.

Sec. 32. Punishment for violations; jurisdiction of police court.—That any person violating any of the provisions of this act shall be punished by a fine not to exceed $500, or by both such fine and imprisonment not to exceed six months. All prosecutions under this act shall be instituted by the corporation counsel or one of his assistants in the police court of the District of Columbia.

Sec. 33. Operative in 90 days; former laws repealed; Vol. 28, p. 811; Vol. 29, p. 192.—That this act shall become operative ninety days after its passage. The act entitled "An act for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, as amended, and the act entitled "An act defining the standard shape and size of dry measures in use in the District of Columbia, and for

other purposes," approved May 30, 1896, are hereby repealed, such repeal to be effective when this act becomes operative.

30 Stat., ch. 30, p. 765.

Sec. 3 (1898). Barrels for flour; dimensions and weight of.—That all barrels and half barrels containing flour, manufactured within the District of Columbia, or brought to the same for sale, shall be well made, of good, clean material, and tightened with ten or twelve hoops, sufficiently nailed with four nails in each chime hoop, and of the following dimensions, namely: The staves of all barrels to be in length not less than twenty-seven inches; the diameter at the head to be seventeen inches; and the staves of all half barrels to be twenty inches in length, and the diameter of the head thirteen inches. Flour barrels weighing not less than sixteen pounds tared or marked on the branded head shall be deemed merchantable.

Sec. 5. Weight of barrels of flour; packing less quantity, penalty for; barrel falsely tared, penalty for.—That every miller or bolter of flour shall put into barrels the quantity of one hundred and ninety-six pounds, and into half barrels the quantity of ninety-eight pounds; and if any miller or bolter of flour shall pack any barrel or half barrel with a less quantity of flour than by this act is required, he shall forfeit, if the deficiency be one pound, a sum not exceeding ten cents, and for every pound above one deficient, twenty-five cents; and said inspectors are hereby required, whenever they, or either of them, have reason to suspect that any barrel or half barrel containing flour is falsely tared, to cause the flour to be started and the barrel or half barrel weighed; and whenever it shall appear that the barrel and half barrel weigh more than they are marked by the miller or owner, the said miller or owner shall forfeit and pay to the said District for each such offense at the rate of ten cents for every pound after the first that the barrel or half barrel may weigh short, and shall moreover pay twenty-five cents for each and every barrel or half barrel, unless on examination the tare should prove correct, then in that case the cost and charges shall be paid by the inspector.

FLORIDA

Gen. Stats., 1920, Vol. 1, Div. 1, Title 11, ch. 38, p. 1207.

Sec. 2372 (a1917). Standard weights and measures.—The following standards of weights and measures shall be the standard of weights and measures throughout the State of Florida: One standard liquid gallon shall contain 231 solid inches.

The weights and measures shall be as follows:[1]

	Pounds avoirdupois per bushel
Wheat	60
Corn, shelled	56
Corn on cob with shuck	70
Sorghum seed	56
Barley seed	48
Oats	32
Bran	20
Corn meal	48
Beans, shelled	60
Beans, velvet, in hulls	78
Beans, castor, shelled	48
Millet seed	50
Beggar weed seed	62
Irish potatoes	60
Sweet potatoes	56
Turnips	54
Onions	56
Salt	60
Peanuts	22
Chufas	54
Rye	56
Apples, dried	24
Apples, green	48
Quinces	48
Peaches, dried	24
Peaches, green	54
Cottonseed	32
Cottonseed, sea island	44
Plums	40
Pears	55
Guavas	54

Sec. 2373 (1901). Standard weights and measures to be used in contracts.—All contracts hereafter made within this State for work to be done or anything to be sold or delivered by weight or measure shall be taken and construed according to the standard of weights and measures hereby adopted as the standard of this State.

Sec. 2374. Weight to be marked on sacks of grain, etc.—All merchants, commission merchants, grocers, provision dealers, storekeepers and other persons, before selling or offering for sale any grain, flour, meal, grits, corn, wheat, rye, oats, bran, beans, Irish potatoes, sweet potatoes or peanuts, already put up, packed or placed in any sack, bag or barrel, in original packages shall have marked or stamped or stenciled upon such sack, bag or barrel, so sold or offered for sale, with its contents in figures, at least one inch in length, the exact weight in pounds avoirdupois of such bag, sack or barrel, with its contents. If the bag, sack or barrel is of a dark or black color such figures shall be marked, stamped or stenciled in light colored ink or pencil; if the bag, sack or barrel is of a light color, then the marking, stamping or stenciling shall be in black or dark pencil, but in all cases the stamping, marking or stenciling shall be plain, legible, and placed conspicuously on such bag, sack or barrel.

Sec. 2375 (1905). Standard box or crate for oranges.—That hereafter the legal and standard box or crate for oranges shall measure twelve

[1] A slight change has been made in the arrangement for convenience of reference.

inches in width and twelve inches in depth on the inside, making each end or compartment of said box or crate, whenever the same contains a middle partition, twelve inches in length, twelve inches in depth, and twelve inches in width. No crate or box intended for the sale or shipment, or delivery for sale or shipment of oranges, except of the standard measure herein specified, shall be manufactured or sold.

Sec. 2376. Sale of oranges in boxes other than standard size; shipping in half boxes; barrels and crates other size.—Every box or crate used for the sale or delivery of oranges shall be of the Florida standard measure, as above provided. No person shall use any crate or box for such sale, shipment or delivery, except the same be of such standard measure: *Provided*, That nothing herein contained shall prevent the shipment or delivery of oranges for sale in half boxes as herein described: *Provided*, That nothing in this section shall prevent any person shipping oranges in barrels or other crates over standard size.

Sec. 2377 (1915). Specifications for field boxes for oranges.—That all field boxes to be used in the sale of oranges, grape fruit and lemons by growers to packer or buyer shall be of the uniform size of twelve inches wide, thirteen inches high, and thirty-three inches long, and shall contain a middle partition not less than three-fourths of one inch thick.

Sec. 2378 (1917). Standard crate for tomatoes.—That hereafter the legal and standard crate for tomatoes shall measure ten inches in depth, eleven inches in width, and twenty-four inches in length, on the outside.

Sec. 2379. Basket, standard for tomatoes.—That hereafter the legal and standard basket for use in tomato crates shall measure nine and one-half inches long in the bottom, five inches wide in the bottom and four and one-half inches deep, all of the last aforementioned measurements being inside measurements. The length of the inside of the top hoop of each basket shall be thirty-two and one-half inches.

Sec. 2380. Other container prohibited.—No crate or basket intended for the sale or shipment or delivery for sale or shipment of tomatoes, except of the standard measure herein specified, shall be manufactured or sold.

Laws, 1925, ch. 10134, p. 255.

Sec. 7. Inspection and test of self-measuring pumps.—That it shall be the duty of the inspectors [oil inspectors] herein provided to familiarize themselves with the accuracy adjusting devices on the various makes of self-measuring pumps in use in the territory assigned to them by the commissioner of agriculture. That they shall carefully inspect all of such pumps located in the territory assigned to them at least once every thirty days, that on all such pumps found to be giving accurate measure with a variation of not to exceed four ounces from the actual measures on a measure of five gallons, he shall place a lead and wire seal, * * * on the adjusting device or devices in such a way that the adjustment cannot be altered without breaking the seal, any pump that is found to be giving inaccurate measure in excess of four ounces, the inspector shall then and there notify the operator of the pump, whether owner or lessee, to make the necessary adjustments, the inspector to lend his assistance with

the standard measure provided for testing such pumps, * * * on all pumps that have apparently been altered for the purpose of giving short measure in excess of eight ounces on a measure of five gallons or that can not be adjusted within a range of eight ounces, either over or under, on a measure of five gallons, the inspector shall notify the operator of such pump, whether he be owner or lessee, that it must be immediately adjusted, the inspector to lend his assistance with the standard measure for testing such pumps, should the operator fail or refuse to then and there make such adjustments as are necessary to bring the measure within the allowed variation, the same shall be condemned and dismantled immediately by the inspector examining the same, and such pump shall not again be allowed operated in this State without the written consent of the commissioner of agriculture. * * * Any person, company, firm, or corporation who shall reinstall and operate any pump, without the written consent of the commissioner of agriculture, that has been condemned by a duly authorized inspector herein provided because of giving short measure in excess of eight ounces to a measurement of five gallons, shall, upon conviction, be punished by a fine of five hundred ($500) dollars, and such condemned pump shall be adjudged forfeited to the State of Florida. * * * That on and after the passage of this act, it shall be unlawful for any self-measuring pump which can be secretly manipulated in such manner as to give short measure to be installed or operated in this State. Any person, company, firm or corporation who shall install or operate a self-measuring pump in any of the counties of this State, which has devices or other mechanical means used for the purpose of giving short measure, shall, upon conviction thereof, be punished by a fine of five hundred ($500) dollars. * * *

Gen. Stats., 1920, Vol. 2, Div. 5, Title 2, ch. 4, p. 2539.

Sec. 5198 (1901). Merchant offering to sell grain, etc., without marking sack.—Any merchant, commission merchant, grocer, provision dealer, storekeeper or other person, or any officer, agent, clerk or employee of any merchant, commission merchant, grocer, provision dealer or storekeeper who shall offer for sale, attempt to sell or sell any of the articles mentioned in section 2374, already put up, placed or packed in any sack, bag or barrel, in original packages, without having such sack, bag or barrel marked, stamped or stenciled as in the manner herein prescribed before offering for sale, attempting to sell or selling the same, shall be punished by fine not exceeding two hundred dollars for each offense, or by imprisonment not more than three months.

Sec. 5199. Merchant selling by short weight.—Any merchant, commission merchant, grocer, provision dealer, storekeeper, or other person, or any officer, agent, clerk or employee of any merchant, commission merchant, grocer, provision dealer or storekeeper, who shall sell or dispose of any sack, bag or barrel with its contents, containing any of the articles mentioned in the preceding section upon which the weight in avoirdupois of such sack, bag or barrel with its contents has been marked, stamped or stenciled as provided, and the weights so stamped, marked or stenciled shall not be the true and correct weight of such sack, bag or barrel with its contents,

but the weight so marked, stamped or stenciled shall be a greater weight than the true and correct weight of such sack, bag or barrel with its contents, shall be punished for each offense by a fine not exceeding two hundred dollars or by imprisonment not more than three months.

Gen. Stats., 1920, Vol. 2, Div. 5, Title 2, ch. 10, p. 2717.

Sec. 5694 (1832). Selling by false weights or measures.—Whoever knowingly sells by false weight or measure, shall be punished by imprisonment not exceeding six months, or by fine not exceeding one thousand dollars.

Sec. 5695. Selling by untested weights and measures.—Whoever refuses to have his weights and measures tested, or refuses to pay the fees for the same, or whoever, after his weights and measures have been tested, fails to make them conform to the standard, and keep them conformed, shall be punished by imprisonment not exceeding sixty days or by fine not exceeding one hundred dollars.

Sec. 5696 (1917). Selling tomatoes in crates or baskets.—Every crate or basket used for the sale or delivery of tomatoes shall be of the Florida standard measure as provided by law, and no person shall use any crate or basket for such sale, shipment or delivery, except the same be of such standard measure. This shall not apply to local persons, dealers in or growers of tomatoes, or shipments within the State. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment.

Sec. 5697. Selling certain commodities other than by the pound.—It shall be unlawful for any dealer to sell, offer for sale, barter, exchange, or otherwise dispose of, any of the different commodities named in section 2372 except by the pound, and any person, firm or corporation violating this section shall be guilty of a misdemeanor.

Sec. 5698 (1905). Selling oranges in boxes not of standard measure.—Every box or crate used for the sale or delivery of oranges shall be of the Florida standard measure, as provided by law. No person shall use any crate or box for such sale, shipment or delivery, except the same be of such standard measure. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment: *Provided*, That nothing herein contained shall prevent the shipment or delivery of oranges for sale in half boxes as herein described: *Provided*, That nothing in this section shall prevent any person shipping oranges in barrels or other crates over standard size.

Sec. 5699 (1915). Standard field box for sale of oranges, grapefruit, and lemons; penalty for violation.—That all field boxes to be used in the sale of oranges, grapefruit and lemons by grower to packer or buyer shall be of the uniform size of twelve inches wide, thirteen inches high and thirty-three inches long, and shall contain a middle partition not less than three-fourths of one inch thick; and any per-

son, firm or corporation violating the provisions of this section shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months.

Gen. Stats., 1920, Vol. 1, Div. 1, Title 10, ch. 1, p. 1003.

Sec. 1870 (1877). Provisions, bread, liquors, weights and measures, gunpowder, etc.—The city or town council shall have the power * * * to establish and regulate the weight and assize of bread, * * * the gauging of liquors, the measurement and weighing of any produce or merchandise * * *.

Gen. Stats., 1920, Vol. 1, Div. 1, Title 6, ch. 3, p. 625.

Sec. 1023, as amended by Laws, 1921, ch. 8410, p. 47.— * * * *Provided*, That boards of county commissioners may themselves or in conjunction with municipalities, provide and install scales or weighing machines for the purpose of weighing motor vehicles, trailers or semitrailers and their loads.

Gen. Stats., 1920, Vol. 1, Div. 1, Title 7, ch. 5, p. 758.

Sec. 1254, as amended by Laws, 1921, ch. 8588, p. 411. Standard measure for oysters and clams; stamping measures; fees.—As a standard measure, a half barrel of oysters shall consist of a tub or other round vessel of the following dimensions, or the cubical equivalent thereof, to wit: It shall measure eighteen and one-half inches inside at the top, and seventeen inches from the bottom to top, and twenty-five and one-half inches diagonal, the unit of such tub or measure may be in the shape of an inverted frustum of a cone. Two of these measures filled, rounded and banked shall make one barrel, and all oysters or clams bought and sold in this State in the shell shall be measured in a measure of this equivalent, or measure holding a fraction or multiple thereof; and it shall be unlawful for any person to have in his possession any measure for oysters or clams in the shell [which] shall differ in equivalent size from the measure herein provided for; or demand or require a cargo of less or greater measure in buying or selling; and no vessel or measure shall be used in buying or selling oysters or clams until it has been measured and stamped by the shell fish commissioner, his agents or deputies, with a metal tag or stamp, showing the quantity of oysters or clams such measure will hold. * * *

Gen. Stats., 1920, Vol. 1, Div. 1, Title 11, ch. 4, p. 1081.

Sec. 2039 (a1913). Net contents to be stated.—* * * That for the purpose of this chapter an article shall also be deemed to be misbranded:

* * * * * * *

In the case of food: * * *

Third. If in package form, the net contents of the package are not correctly stated in terms of weight, measure or numerical count, conspicuously, legibly or correctly, on the outside of the package: *Provided, however*, That reasonable variations shall be permitted and tolerations established by rules and regulations made in accordance with the provisions of section 2046.

Gen. Stats., 1920, Vol. 1, Div. 1, Title 11, ch. 6, p. 1089.

Sec. 2050 (1911). Misbranding citrus-fruit packages.—It shall be unlawful for any one to misbrand any package or any wrapper containing citrus fruits; and all citrus fruits shall be deemed misbranded if the package or the wrapper shall bear any statement, design or device regarding the fruit therein contained which is false or misleading either as to the name, size, quality or brand of such fruit or as to the locality in which it was grown.

Gen. Stats., 1920, Vol. 1, Div. 1, Title 11, ch. 7, p. 1091.

Sec. 2057 (a1907). Weight to be marked on packages of feeding stuff; sheriff authorized to seize and sell when not so tagged.—Every bag, barrel, or other package of commercial feeding stuff, manufactured, sold in or imported into this State, shall have securely attached a tag or label, and plainly printed thereon, the number of net pounds of commercial feeding stuffs in the package, the name, brand, or trade-mark under which the commercial feeding stuff is sold; the name and address of the manufacturer * * *.

Gen. Stats., 1920, Div. 1, Title 11, ch. 39, p. 1210.

Sec. 2384 (1889). Doyle's rule for measurement of logs.—Doyle's rule and log book for the measurement of saw logs is adopted as the standard rule for the measurement of saw logs, whether round or square, which are required to be scaled or measured within the limits of this State.

Gen. Stats., 1920, Vol. 1, Div. 1, Title 11, ch. 41, p. 1213.

Sec. 2398, as amended by Laws, 1925, ch. 10128, p. 228. Commercial fertilizers, net contents to be marked.—Every package of commercial fertilizer or fertilizer materials manufactured, imported, transported, distributed, stored, kept or offered for sale or sold in or into the State of Florida shall have securely attached a tag on which shall be plainly and legibly printed the name or brand of the commercial fertilizer or fertilizer materials; the name and address of the manufacturer or jobber; the net contents of the package in pounds; * * *

Gen. Stats., 1920, Vol. 2, Div. 5, Title 2, ch. 10, p. 2717.

Sec. 5661 (1889). Penalty.—Whoever buys or sells any logs or square [timber by any other measure or scale than Doyle's rule and log book, or if any timber inspector wilfully makes return of] [2] any inspection scale or measurement of timber except according to said book, shall be punished by fine not exceeding two hundred dollars for each offense, or by imprisonment not exceeding six months. When it is mutually agreed between the buyer and seller, another than Doyle's rule book may be adopted and a survey can be made by a party other than a commissioned inspector.

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[2] The portion in brackets was evidently inadvertently omitted from the statutes.

GEORGIA

Park's Ann. Code, 1914, Vol. 1, ch. 4, p. 801.

Sec. 1880 (a1906). Weight per bushel; cord.—The legal weight of the following articles or commodities per bushel shall be as follows:[1]

	Pounds		Pounds
Wheat	60	Buckwheat	52
Shelled corn	56	Dried peaches (unpeeled)	33
Corn in the ear	70	Dried peaches (peeled)	38
Peas	60	Dried apples	24
Rye	56	Onions	57
Oats	32	Stone coal	80
Barley	47	Unslacked lime	80
Irish potatoes	60	Turnips	55
Sweet potatoes	55	Corn meal, bolted or unbolted	48
White beans	60	Wheat bran	20
Clover seed	60	Cotton seed	30
Timothy seed	45	Ground peas	25
Flaxseed	56	Plastering hair	8
Hempseed	44	Rough rice	43
Blue-grass seed	14	Tan bark per cord	2,250

Sec. 1881 (a1893). Seal.—The ordinaries must procure for their respective counties a marking instrument, seal or stamp, for the purpose of marking all weights and measures which they may find not to weigh or measure less than the standard established by the Congress of the United States, which is the standard of this State.

Sec. 1882. Penalty.—All persons engaged in selling by weights and measures shall apply to the ordinaries of their respective counties and have their weights and measures so marked, and in default thereof shall not collect more than three-fourths of any account, note, or other writing, the consideration of which is any commodity sold by their weights and measures: *Provided*, This section shall not apply to any person selling by weights and measures who has applied to the ordinary of his county and found that the county has not been supplied with the necessary standards for testing weights and measures.

Sec. 1883 (1853–54). Selling by deficient weights and measures.—Any citizen may complain to the ordinary of the deficiency of any weights and measures, whether marked or not, and when done it is the duty of said ordinary to notify the person complained of, and give him the name of the complainant, and specify a day, not more than ten days distant, when he shall submit his weights and measures, to the test of the ordinary, and if the complaint is found to be true within the seller's knowledge, he shall be deemed a person selling by false weights and measures, and shall be presented by the grand jury as such, if no person appears and indicts.

Sec. 1884. Standards to be procured.—The governor shall procure standards of weights and measures for each county which does not

[1] A slight change has been made in the arrangement for convenience of reference.

have them, and they, together with the marks provided by the ordinary, shall be kept in his office for the inspection of the citizens.

Sec. 1885. Ordinary to give notice.—When such standards are obtained, it is the duty of such ordinary to give sixty days written notice thereof at the door of the courthouse, and in the public gazette where the sheriff of the county advertises his sales.

Park's Ann. Code, 1914, Vol. 4, ch. 4, p. 2995.

Sec. 4827 (a1870). Fees.—The ordinaries are entitled to the following fees, to wit:

* * * * * * *

For comparing and testing weights and measures, and stamping and marking each, $0.10 * * *.

Park's Ann. Code, 1914, Vol. 1, ch. 2, p. 784.

Sec. 1819 (1903). Barrel of turpentine; barrel of rosin.—He [supervising inspector of naval stores] shall receive as compensation for his services one-fourth of a cent for each barrel of rosin or spirits of turpentine which may be inspected under the laws of this State; for a basis of said fee a barrel when applied to spirits of turpentine shall be fifty gallons, and the term spirits of turpentine shall include all spirits of turpentine mentioned in this article. A barrel, when applied to rosin, shall be 280 pounds, and said fee shall be reckoned on this basis. Said fee shall be paid equally by the buyer and seller of such naval stores. In case of naval stores shipped in packages or receptacles other than barrels, his compensation shall be reckoned upon the basis of barrels or fractions thereof, in the same manner as is provided for the payment of fees of inspectors under like conditions. He shall have the right to recover from any person or corporation the fees allowed him, in appropriate proceedings in any court having jurisdiction thereof.

Sec. 1840. Barrels for turpentine, quality of, etc.—Every barrel of soft turpentine shall be formed of good and sufficient staves, three-quarters of an inch thick, not exceeding five inches wide, not less than thirty nor more than thirty-two inches long; the head not less than one nor more than one and a half inches thick, and the barrel secured with twelve good hoops.

Sec. 1842°. Powers of corporate authorities.—The corporate authorities of any seaport town may make such further regulations for the inspection of rosin, pitch, tar, and turpentine, and for the discovery of fraud in making and vending said articles, as to said authorities respectively shall seem proper.

Sec. 1843. Inspectors may be appointed for any article.—Inspectors may be appointed, their duties prescribed, their fees fixed, and inspection and marking regulations adopted, by the corporate authorities of any city, for the inspection of guano and other fertilizers, tobacco, salt, pitch, tar, turpentine, rosin, fish, oil, staves, shingles, timber, wood, lumber, and liquor, and such other articles and things as are usually the subject of inspection and measurements, and for measuring and gauging the said articles, or any of them, within the limits of said cities; and the same power may be exercised by the ordinary of every county, outside the limits of such town, and within the limits of such county: *Provided*, Such regulations be not inconsistent with the following provisions:

1. No person shall be permitted to inspect, measure, or gauge, except such as may be regularly appointed, under a penalty of five hundred dollars for every offense, one half to go to the informer, and the other half to the incorporation or court having the appointment of inspectors. Every person so appointed shall be required to take an oath or affirmation faithfully to perform the duties of the office to the best of his skill and ability, and shall moreover give bond and security for the faithful discharge of the duties thereof. All vacancies may be filled by the appointing power.

2. In all seaport towns where timber or lumber is brought for exportation, or otherwise, the same shall be inspected and measured, and bills for such measurement shall be made out in superficial measurement.

3. All square timbers shall be measured as follows: The length shall be counted from pinhole and the size from the middle of the stick, taking the smallest side and the face, throwing off fractions, and allowing one-half of the wane-edge on the side and face; and other flatted timber, usually known as saw or mill logs, shall be measured one-half from the smallest end.

4. All sticks which are rotten, hollow, split, or broken shall be declared refuse by the inspector, and the seller shall only be allowed one-half the measurement; but if the defect be at or near the end, only so much as is defective shall be declared refuse.

5. The hook to the dip-rod shall not be less than one inch and three-quarters long. * * *

7. Heading shall be two and a half feet long, six inches broad, one inch thick on one edge, and not less than three-quarters of an inch on the other edge, round and free from decay, worm or knot holes; shingles to be twenty-two inches long, not less than three and a half inches wide, a half inch thick at the thick end, not decayed, and free from worm or knot holes.

8. Pipe, hogshead, and barrel-staves shall be considered merchantable only when conditioned as follows: Pipe-staves to be at least fifty-four inches in length, three inches in breadth, and one inch thick on the thin edge, sound and free from worm or knot holes; hogshead-staves to be forty-two inches long, three inches broad, and not less than three-quarters of an inch thick on the edges, sound and free from worm or knot holes; barrel-staves to be two and a half feet long, three inches wide, and not less than three quarters of an inch on their edges, sound and free from worm or knot holes.

9. Every cord of firewood shall measure eight feet in length, four in breadth, and four in height. Any person to whom such wood is offered for sale, who may suspect any deficiency, shall have the right to have the same measured and corded by any sworn inspector or measurer of the place, and in case of any deficiency appearing, the seller shall, besides paying the fees of the inspector, make good the deficiency without delay, or forfeit, before any court having jurisdiction, the sum of two dollars for every cord so deficient; in case of no deficiency appearing, the fees of the inspector or measurer shall be paid by the buyer. The corporate authorities of any town or city may make such further regulations on this subject as to them shall appear proper to insure the objects of this section.

Park's Ann. Code, 1914, Vol. 1, ch. 3, p. 792.

Sec. 1844 (a1889). Scalesmen, weighers of cotton, and others to be sworn.—It shall not be lawful for any scalesmen, salesmen, or other person, in any of the cities, towns, or villages of this State, to weigh any bale, bag, or package of cotton, tierce or half tierce of rice, or any other article of produce disposed of by weight, without first taking and subscribing an oath, before some person authorized by law to administer it, that he will justly, impartially, and without deduction, weigh all such cotton and all other articles of produce disposed of by weight that may be shown to him for that purpose, and tender a true account thereof to the party or parties concerned, if so required.

Sec. 1845 (1875). Deductions for wet cotton; for bagging.—The weigher may, nevertheless, make such deduction for wet, or other cause, as may be reasonable, when the seller or his agent shall thereto consent: *Provided*, That if the weigher, with the consent of the seller or his agent, makes a deduction from the gross weight of any bale, bag, or package of cotton because of the bagging and fastenings on said bale, bag, or package, the deduction shall be not more than twenty-four pounds if it is covered with jute bagging, and not more than sixteen pounds if it is covered with cotton bagging, except in the case of any bale, bag, or package of cotton not fastened with iron ties nor with ropes, in which case the deduction shall be not more than ten pounds if it is covered with jute bagging, and not more than five pounds if it is covered with cotton bagging. And in every case in which a deduction is made from the gross weight of any bale, bag, or package of cotton because of the bagging and fastenings on said bale, bag, or package, the weigher, in tendering the true account thereof to the party or parties concerned, shall state the gross weight of each bale, bag, or package, and also the number of pounds deducted for bagging and fastenings, and the net weight.

Sec. 1846 (a) (1912). Public weigher and grader of cotton; oath and bond.—Upon the application or petition of at least fifty citizens or producers of cotton in any county within the State of Georgia, made to the county commissioners of a county when they administer the affairs of a county, or to the ordinary of the county when he administers the affairs of the county, he or they shall appoint one competent and discreet person who shall be known as the public weigher and grader of cotton in such county. Upon his appointment by them, they shall issue to him a commission authorizing him to weigh and grade all cotton that may be brought to him for such purpose by the citizens of said county; provided he shall first take an oath to faithfully perform the duties of such weigher and grader, and give bond conditioned upon the accurate and faithful performance of his duty subject to be enforced by any person that shall be damaged on account of a failure in the performance of his duty, said recovery to be had in any court of this State having jurisdiction of the parties and subject matter.

Sec. 1846 (b). Deputies.—Said weigher and grader shall be authorized when it becomes necessary to appoint a deputy or deputies to act within said county to assist him in weighing and grading of cotton. In the appointment of such deputies he shall not appoint any one who is not of good character and competent to perform such duties.

Sec. 1846 (c). Compensation; duties; scales tested.—As compensation for the weighing, grading, issuing certificates, as to weights and grades, and stamping same upon the bale of cotton, such weigher and grader shall have for such service, and be allowed to charge the party desiring to have said cotton weighed and graded the sum of twenty cents per bale. It shall be the duty of the weigher and grader or his deputy, upon their appointment, to provide a platform and scales with ample facilities for handling cotton with speed and at a minimum cost, at which platform or platforms, all cotton sold in said market or shipped may first be weighed, graded and stamped, if so desired by the seller, producer, or buyer, and upon the application by the parties, it shall be the weigher's duty to immediately weigh, grade and stamp upon the cotton weights, grade, and issue to the applicant a certificate showing the same and enter the same in a book to be kept by him. The appointed public weigher and grader shall be responsible, on his bond, for the official act of his deputy, and each weigher or deputy shall have his scales tested at least once every thirty days by the standard weights in the office of the ordinary as provided by law.

Sec. 1846 (d). Removal of weigher and grader.—The county commismissioner or ordinary, whichever has the appointing power, upon good and sufficient cause shown, after ten days' notice, in writing, personally served upon the public weigher and grader, shall inquire into his conduct and if they find sufficient reason, remove any such officer from office, and appoint another in his stead, and in the same manner may remove any deputy by such public weigher appointed.

Sec. 1847 (1873). Tare on rice.—The tare to be allowed on rice shall be the actual tare, as nearly as can be determined, except in cases of the sale of a single tierce, half tierce, or barrel, where a tare of ten per centum shall be allowed, unless otherwise agreed on between the buyer and seller.

Sec. 1848. Tare on other articles.—In other cases where tare is usually allowed, the actual tare, as nearly as the same can be ascertained, shall be allowed, except where the seller and purchaser may expressly agree upon a different rule.

Sec. 1849. No deduction to be made for turn of scales, etc.—It shall not be lawful for any purchaser or weigher to make any deduction from the weight of any article for or on account of the draft or turn of the scales or steelyard, under the penalty, for every such offense, of five hundred dollars, to be recovered in any court having jurisdiction, one-half to go to the informer by whom the suit may be brought, and the other half to the use of the county where the offense may be committed.

Sec. 1850. Corporate authorities may make further rules.—The corporate authorities of all cities and towns may make such further regulations for the weighing of produce of all descriptions, including fees for weighing, as in their judgment may tend to effect the objects of the foregoing provisions, and the ordinaries of the respective counties shall have the same power, to be exercised outside the jurisdiction of said incorporated cities or towns; but until altered by such authorities or ordinaries, fees for weighing shall be such as are now fixed by law.

Sec. 1865 (1890–91). Number of pounds stamped on each sack of flour or corn meal.—It shall be the duty of each and every miller or manu-

facturer of flour or corn meal (and every merchant or dealer), offering for sale said articles, to stamp or have printed on each sack in which either of said articles are packed, in plain figures not less than one and one-half inches in length, the exact number of pounds of flour or corn meal contained therein; provided, the provisions of this section shall not apply to grist ground for toll.

Sec. 1867 (1906). Flour, grits and corn meal, how packed and marked.—All flour, grits and corn meal packed in barrels or half-barrels made of any material, or any package made of wood or metal in which flour, grits, or corn meal are or may be offered for sale, shall be well made and of good material; shall have the net weight of flour, grits, or meal plainly marked in the head, top, or side of the barrel or package with a stencil, or paper label or pencil, with letters and figures not less than one inch in length, and the tare marked on the reverse end or side of the barrel or package in like manner.

Sec. 1868. Weight in barrels and sacks.—Every miller, bolter, blender, or mixer, or other person who manufactures or who buys flour, grits, or corn meal for the purpose of repacking, shall put into each barrel the full quantity and weight of one hundred and ninety-six pounds of flour, grits, or corn meal, and shall put into each half barrel the quantity and weight of ninety-six pounds of flour, grits, or corn meal.

When flour, grits, or corn meal is packed in sacks, the gross weight shall be as follows: Sacks containing one hundred and forty pounds, sacks containing two hundred and eighty pounds, half-barrel sacks ninety-six pounds, quarter-barrel sacks forty-eight pounds, eighth-barrel sacks twenty-four pounds, sixteenth-barrel sacks twelve pounds, thirty-second-barrel sacks six pounds.

Sec. 1869. Variations in weight.—From the weights above specified variations for inaccuracies will be allowed as follows: On all packages weighing ninety pounds or over, an allowance of one-fourth of one per cent., and on all packages smaller than ninety pounds an allowance of one-half of one per cent., less than the weight specified in the preceding section.

Sec. 1870. Packages, how marked.—It shall be unlawful for any person to pack for sale, sell, or offer for sale any corn meal except in bags or packages containing by standard weight two bushels, or one bushel, or one-half bushel, or one-fourth, or one-eighth, bushel, respectively. Each bag or package of corn meal shall have plainly printed or marked thereon, whether the meal is "bolted" or "unbolted," the amount it contains in bushels or fractions of a bushel, and the weight in pounds: *Provided*, The provisions of this section shall not apply to the retailing of meal directly to customers from bulk stock, when priced and delivered by actual weight or measure

Sec. 1872°. Fraudulently packing flour.—If any person shall pack flour in an old barrel which may have been marked and branded as aforesaid, and which shall still have the brand of the inspector thereon, or shall otherwise fraudulently pack flour for sale, such person or persons shall forfeit and pay the sum of twenty dollars for every barrel so packed, to be recovered by an informer before any justice of the peace, or other court having jurisdiction thereof—one-half of such penalty to go to the informer, and the other half to the miller or manufacturer injured by such false packing.

Park's Ann. Code, 1914, Vol. 6, p. 338.

Sec. 557 (a1895). Illegal charge for weighing cotton.—If any scalesman, salesman, or other person engaged in the business of weighing cotton bales shall charge or receive more than ten cents per bale for weighing the same, or charge or receive for reweighing any bale of cotton which has once been taxed ten cents for weighing, more than five cents for such reweighing, he shall be guilty of a misdemeanor.

Sec. 558a (1911). Deduction of weight of bagging and ties prohibited, when.—It shall be unlawful for any person, firm or corporation engaged in the business of buying cotton in this State, as principal or agent, to deduct any sum for bagging and ties from the weight or price of any bale of cotton when the weight of the bagging and ties does not exceed six per cent of the gross weight of such bale of cotton. In the event that the weight of the bagging and ties exceeds six per cent of the gross weight of such bale of cotton, only the excess over the said six per cent may be deducted.

Sec. 558b. Penalty; what bales not included.—For each and every violation of the preceding section the offender shall be guilty of a misdemeanor and shall be fined in the sum of not less than twenty-five dollars, nor more than fifty dollars, or imprisoned not less than fifteen days, nor more than thirty days: *Provided*, This law shall not apply to what is known in the trade as round bales, and bales of cotton which weigh less than three hundred pounds.

Sec. 562 (a1890–91). Weights to be stamped on sacks of flour and meal, etc.—If any miller or manufacturer of flour or corn meal, or any merchant or dealer offering said articles for sale, shall fail to stamp or have printed on each sack in which either of said articles is packed, in plain figures, not less than one and one-half inches in length, the exact weight of the contents thereof, he shall be guilty of a misdemeanor.

Sec. 563. Exceptions.—The preceding section shall not apply to grist ground for toll, nor to millers, merchants, or dealers, selling flour or meal in quantities less than a full sack, or in any quantities when sold by weight.

Sec. 564 (1906). Corn meal, weight of packages.—Any person who shall violate section 1870 of the civil code, relating to corn meal, shall be guilty of a misdemeanor.

Sec. 565. Flour, grits, and corn meal, how marked and weighed.—Any person who shall violate sections 1867, 1868 and 1869 of the civil code, relating to packing, marking, and weighing flour, grits, and corn meal, shall be guilty of a misdemeanor.

Sec. 566 (1901). Cottonseed hulls, weight to be stamped.—Any person, firm, or corporation who shall sell cottonseed hulls in bales or packages, without having the weight thereof plainly stamped or branded on each bale or package, shall be guilty of a misdemeanor.

Park's Ann. Code, 1914, Vol. 6, p. 382.

Sec. 705 (1865–66). Bakers and others selling under assize.—Any baker or other person selling bread under the assize established by the corporation of any city, town, or village, or the rules laid down by law, shall be deemed a cheat, and shall be punished as for a misdemeanor.

Sec. 706 (a1865–66). Selling by false weights and measures.—If any person shall knowingly buy or sell by false weights or measures, he shall be deemed a common cheat, and shall be punished as for a misdemeanor.

Sec. 709 (1874). Putting dirt or rubbish into cotton, rice, etc.—Any person who shall put or cause to be put into any bale of cotton, vessel of sugar, rice, pork, beef, or other provisions, wool, or other article, prepared for market, any dirt, rubbish, or other thing, for the purpose of adding to and increasing the weight of bulk of said cotton, sugar, rice, beef, pork, or other provisions or things, shall be deemed a common cheat, and shall be punished by a fine equal to the value of the thing thus fraudulently packed or put up, and imprisonment and labor in the penitentiary for not less than one year nor more than five years. The bare possession or ownership of such commodities, so fraudulently packed or put up, shall not of itself authorize a conviction, where sufficient evidence of knowledge or privity on the part of the owner, or the person in possession may not be produced on trial.

Laws, 1920, Act No. 739, p. 225.

Sec. 1. Paint, marking.—Whoever shall expose for sale, or sell within this State, any paint which is labeled or marked in any manner so as to tend to deceive the purchaser as to its nature, or composition, or which is not accurately labeled as hereinafter required, shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars and not more than one hundred dollars, or by imprisonment in the county jail not exceeding sixty days.

Sec. 2. Labels; what required.—The label required by this act shall clearly and distinctly state the name and residence of the manufacturer of the paint, or the distributor thereof, or of the party for whom the same is manufactured. Said label to clearly state, in addition to the before-mentioned matter, the quantity contained in the package; this in the case of liquid or mixed paints, to be designated in United States standard gallons or fraction thereof, and in the case of paint or semipaste paints, such as commonly sold by weight, to be shown by weight avoirdupois. Said label shall be printed in the English language in plain, legible type.

Sec. 7. Enforcement.—The State pure food and drug inspector is charged with the proper enforcement of all the provisions of this act, and empowered to formulate and promulgate such rules and regulations as may be necessary in carrying out the purposes of this act.

Park's Ann. Code, 1914, Vol. 1, ch. 1, p. 354.

Sec. 855(b) (1872). Existing towns, by what law governed; new towns and villages, how incorporated.—The towns and villages heretofore established in this State, shall remain subject to the laws now in force, applicable thereto, respectively; and the provisions hereinafter set forth shall be deemed applicable only to towns and villages established after August 26th, 1872.

Sec. 855(n). Powers of council.—The council of such town or village shall have power therein * * *; to regulate and provide

for the weighing of hay, coal, and other articles sold or for sale in the town * * *.

Park's Ann. Code, 1914, Vol. 1, ch. 3, p. 862.

Sec. 2104 (a1914). Marking of contents of packages.—For the purpose of this chapter, an article shall be deemed to be misbranded—

* * * * * * *

In the case of food:

3. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: *Provided, however*, That reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of section 2115, * * *

Laws, 1924, No. 386, p. 101.

Sec. 17. Packages to be stamped with quantity; occupation tax stamps.—* * * Each package containing oysters canned in this State, or raw shucked oysters, or oysters in the shell, gathered in this State shall be stamped by the manufacturer or dealer, or distributor, with quantity of oysters contained in each can, barrel or other package in which the same are offered for sale within the State or shipped. Each distributor or dealer, including the manufacturers who are distributors or dealers shall place stamps in the amount necessary upon each of said packages, to comply with the requirements of the payment of the occupation taxes hereinbefore set out.

Sec. 22. Oysters sold in shell, how measured; dimensions of bushel tub; brand to be stamped on measure; punishment for violating this section.—That all oysters sold in the shell in this State in tidewater Georgia shall be measured in circular tubs, with straight sides, straight and solid bottoms, with holes in the bottom not more than one-half inch in diameter. A bushel tub shall measure eighteen inches from the inside across the bottom, and twenty-one inches from the bottom to the top of chime. All measures used for buying or selling oysters shall have a brand, to be adopted by the State board of game and fish, stamped thereon by the tidewater commissioner or his lawful inspectors or patrolmen. Any person or persons violating this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars, nor more than fifty dollars, or imprisoned for not less than ten days nor more than thirty days, in the discretion of the court; and all measures found in the possession of such person not meeting the requirements of this section shall be destroyed by the tidewater commissioner of game and fish.

Park's Ann. Code, 1914, Vol. 1, ch. 1, p. 762.

Sec. 1772, as amended by Laws, 1924, No. 490, p. 99. Fertilizers, how branded.—All persons, companies, manufacturers, dealers, or agents, before selling or offering for sale in this State any commercial fertilizer or fertilizer material, shall brand or attach to each bag, barrel or package, the weight of the package, the name and address

of the manufacturer, and the guaranteed analysis of the fertilizer, giving the valuable constituents of the fertilizer in minimum percentages only. These items only shall be branded or printed on the sacks or packages in the following order:

1. Weight of package in pounds.
2. Brand name, or trade-mark.

* * * * * * *

Park's Ann. Code, 1914, Vol. 1, ch. 3, p. 838.

Sec. 2107 (1906). Feeding stuff and condimental feed; branding; net weight to be stated.—Every lot or parcel of concentrated, commercial feeding-stuff and condimental feed used for feeding domestic animals or poultry, sold, offered or exposed for sale within this State, shall be registered annually with the commissioner of agriculture, and shall have affixed thereto, or printed on the bag or other package, in a conspicuous place on the outside thereof, a legible and plainly printed statement, clearly and truly certifying the number of net pounds of feeding-stuff contained therein: *Provided*, That all concentrated commercial feeding-stuffs shall be in standard-weight bags or packages of fifty, seventy-five, one hundred, one hundred and twenty-five, one hundred and fifty, one hundred and seventy-five, or two hundred pounds each; also the name, brand or trade-mark under which the article is sold, the name and address of the manufacturer, importer or jobber * * *.

Park's Ann. Code, 1914, Vol. 2, ch. 2, p. 966.

Sec. 2762 (1889). Facilities for weighing freight furnished by transportation company.—Every railroad or transportation company in this State shall furnish suitable and adequate facilities for correctly weighing all freight offered for shipment in car-load lots in this State at points where the volume of business offered is sufficient to warrant the expense; and if any officer or agent of a railroad or transportation company, or person acting for or employed by such railroad or transportation company, shall, by reason of overweights or false billing, cause such railroad or transportation company to charge on any shipment for more than the actual weight of such shipment, the said railroad or transportation company shall be liable to the owner of such shipment in damages for an amount equal to twice the charges on the excess weight so charged.

Sec. 2763 (1882–83). Sworn weighers to weigh freight.—Whenever any railroad company in this State shall weigh any cars loaded with freight to be shipped and charged for by the car-load, such weighing shall be done by a sworn weigher, as provided for the weighing of cotton, rice, and other produce.

Sec. 2764. Cars to be uncoupled.—When such cars are weighed singly, they shall be uncoupled at both ends and weighed one at a time.

Sec. 2765 (1890–91). Lumber cars weighed three together.—When any railroad company shall transport timber, lumber, or other like articles of freight, which, from length, laps over from one car to another, such company may cause as many as two or three such cars so loaded to be weighed together, after uncoupling them at both ends from other cars, and in all such instances the aggregate weight of the freight upon said two or three cars shall be averaged so that each of the cars shall be charged with an equal amount of the total weight,

and the shipper be made to pay freight as if each of the cars so weighed together did actually contain an equal portion of the whole load: *Provided*, That in such cases the shipper shall not pay less than the amount of freight due on full car-loads.

Sec. 2766. Penalty.—Any railroad company failing to comply with any of the provisions of the three preceding sections shall be held liable in an action for damages, to be brought in the county where such weighing is done, at the instance of any person aggrieved, and the recovery shall be in a sum not less than one hundred dollars nor more than two hundred dollars for each offense.

HAWAII

Rev. Laws, 1925, ch. 129, p. 794.

Sec. 2148 (1921). Title of act.—The short title of this chapter shall be "The weights and measures law of Hawaii."

Sec. 2149. Definitions.—Wherever the word "sheriff" is used in this chapter it shall include and mean the sheriff of the city and county of Honolulu and the sheriff of, in and for the other counties of the Territory.

Wherever the words "scales," "weights," "beams," "weighing machines," "devices," "appliances," "measures," or "instruments" are used in this chapter they shall be held to include all mechanical means for the weighing or measuring of any article or commodity whatsoever.

Sec. 2150. Standards; tests.—It shall be the duty of the sheriff to procure and keep a standard set of scales, beams, weights and measures; and he shall semiannually, or oftener in his discretion, cause all scales, beams, weighing machines, measures—liquid or dry—devices and appliances used in the ascertainment of weight or of measure, used by any person, firm or corporation in the buying or selling or the transportation, or the receiving for shipment, or in the ascertainment of weight or measure, of goods, wares, merchandise, oils, gasoline, fruits, vegetables or any other commodity, to be tested by such standard scales, beams, weights and measures, and to seal such as shall be found true with the capital letters "T. H."

Sec. 2151. Sealing, record of scales.—All weighing appliances and measures as mentioned and included in section 2150 shall be so sealed within two days of the date of purchase and of the acceptance and delivery of such appliance or measure, and notice thereof, by both the buyer and the seller shall, within such two days, be given to the sheriff upon forms as he may provide and which shall be recorded by him.

Sec. 2152. Marking unsealed or imperfect weights and measures.—If any of the weighing appliances or measures as mentioned and included in this chapter are found to be imperfect and not according to standard, the sheriff shall cause them to be tagged, marked and identified with the words "Faulty, not to be used until adjusted by sheriff," and, thereafter, such weighing appliances or measures shall not be used until adjusted, repaired and made correct to said standard.

Sec. 2153. Identification of owner.—Any person presenting any weighing appliance or measure to the sheriff for verification and testing shall give his full name, address, and description of occupation and business and the purpose for which such weighing appliance or measure is to be used; such information shall be recorded by the sheriff.

Sec. 2154. Errors permissible in excess or deficiency.—The following shall be permissible error, either in excess or in deficiency: Platform

or counter scales, one ounce in each hundred pounds; wagon or track scales, one pound in each ton; all liquid or dry measure shall be in accordance with standard.

Sec. 2155. Inspectors.—The sheriff may deputize any one of the employees in his department to aid him in the performance of his duties under this chapter.

Sec. 2156. Standards.—The standards of weights and measures shall be those adopted, and now used, or that may be adopted and used by the United States of America.

Sec. 2157. Bushel.—Whenever any wheat, rye, Indian corn, barley or oats shall be sold by the bushel, and no special agreement as to the measurement shall be made by the parties, the bushel shall consist of sixty pounds of wheat, and fifty pounds of rye, of fifty-six pounds of Indian corn, or [of] forty-eight pounds of barley and of thirty-two pounds of oats.

Sec. 2158. Fees.—The charges for testing and certification shall be as follows: Beam, fifty cents; scale, fifty cents; measures of extension, twenty-five cents; weight, ten cents; springless or automatic weighing machine or device, twenty-five cents; platform, deadweight or track scales, two dollars; pump or pumping measure or appliance, one dollar; for every other appliance as used for weighing or measuring and not specifically mentioned herein, twenty-five cents: *Provided, however*, That no charge shall be made for more than two inspections in any one year; all fees collected under the provisions of this chapter shall be paid into the treasury of the city and county, or county for which the inspection, testing and sealing is made, as municipal realizations.

Sec. 2159. Using unsealed weights and measures.—If any person, firm, or corporation shall use or cause to be used any weighing or measuring machine or appliance as mentioned or necessarily included in the meaning of this chapter, for any of the purposes mentioned in section 2150, and which weighing machines or appliances have not been duly sealed, he, or it, shall be fined for each such offense a sum not exceeding one hundred dollars, and the court may in its discretion order the confiscation and destruction of such weighing or measuring machine or appliance, and any person who shall be injured or defrauded by the use of any such weighing or measuring machine or appliance may maintain an action against such offender; and, if judgment be rendered for the plaintiff he shall recover double damages and costs of suit.

Sec. 2160. Changing, removal of marks, etc.—Any person, firm or corporation who shall willfully or shall fraudulently change any weighing machine, measure or appliance as mentioned herein after the same has been inspected, tested and sealed by the sheriff, or who shall change, remove or destroy any tag, mark or seal which may have been placed in or thereon by the sheriff for the purpose of this chapter, shall be liable, upon conviction, to pay a fine of not to exceed one hundred dollars.

Rev. Laws, 1925, ch. 204, p. 1277.

Sec. 3583°. Weights, measures; inspection.—It shall be the duty of every clerk of a market once in every month, and whenever requested so to do by any purchaser in the market, to inspect all the

weights, measures and beams used in weighing and measuring in such market; and, at the expense of the owners, to make them conform to the standard weights and measures of the Territory; and if any person shall refuse to exhibit his weights and measures, or to make them conform to those established by law, he shall be fined twenty-five dollars.

Sec. 3584°. Using unapproved weights, etc.—Any person using any weights or measures in a public market, not approved by the clerk of the market, shall be fined ten dollars, and he shall besides be liable in tenfold damages to any person injured by his conduct.

Rev. Laws, 1925, ch. 249, p. 1426.

Sec. 4248°. False weight or measure.—Whoever, in the sale or purchase of any merchandise or other property, shall use any false weight or measure; or cheat another by the fraudulent use of any legal weight or measure; as for example, by dexterously sliding a yard stick, or by putting some other thing into a measure partly to fill the same, even though the vendee and vendor be present, is guilty of a gross cheat.

Sec. 4251 (a1901). Punishment.—Whoever is convicted of a gross cheat shall be punished by imprisonment of not more than one year, or by a fine not exceeding one thousand dollars.

Sec. 4252°. Civil remedy not a bar.—No person shall be exempted from criminal prosecution for gross cheating, by reason of the party cheated having a remedy against him by civil action.

Rev. Laws, 1925, ch. 250, p. 1431.

Sec. 4259 (1919). Bread, weight of loaf; variations; twin loaves; penalty.—A loaf of bread for sale shall be one pound in weight. Bread, unless chiefly composed of rye or maize, shall not be manufactured for sale or sold except in the following net weights twelve hours after baking: Three-quarters pound; one pound; one and a half pounds; two pounds or other pound weights.

Variations at the rate of one ounce per pound over and one ounce per pound under the above specified weights are permitted in individual loaves, but the average weight of not less than twenty-five loaves of any one unit of any one kind shall be not less than the weight prescribed by this chapter.

Twin or multiple loaves may be sold, provided they conform to the above weight requirements.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and punished by a fine of not more than twenty-five dollars for each offense.

Rev. Laws, 1925, ch. 76, p. 455.

Sec. 994 (a1915). Net contents to be marked.—* * * Any drug or article of food shall also be deemed to be misbranded within the meaning of this chapter when in package form, if the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count: *Provided, however*, That reasonable exemptions shall be permitted, and tolerances and also exemptions as to small packages shall be established by rules and regulations made by the board of health.

IDAHO

Comp. Stats., 1919, Vol. 1, ch. 17, p. 83.

Sec. 276 (1919). Department of agriculture, powers and duties.—The department of agriculture shall have power: * * *

9. To exercise the rights, powers and duties vested by law in the State sealer of weights and measures and his deputies and assistants.

15. To establish and promulgate standards for open and closed receptacles for farm products and standards for the grade and other classification of farm products.

16. To prescribe and promulgate rules and regulations governing the marks, brands, and labels which may be required upon receptacles for farm products.

36. To establish standards of weights and measures and enforce compliance therewith.

Comp. Stats., 1919, Vol. 1, ch. 118, p. 734.

Sec. 2555 (a1919). State standards, care and custody; county and municipal standards.—The department of agriculture shall have the care and custody of the authorized public standards of weight and measures and of balances and other apparatus of all kinds owned by the State. It shall maintain the State standards in good order and submit them at least once in every ten years to the National Bureau of Standards for verification. It shall compare and adjust by the State standards all county, municipal, and other official standard weights, measures, balances and measuring devices which may be sent or brought to it for that purpose, and shall seal the same when found or made to conform to the State standards, by stamping upon each the letter "I" and the last two figures of the year in which the said comparison and adjustment have been made, with seals which it will have and keep for that purpose: *Provided*, That it may refuse to compare and seal any weights, measures, balances or measuring devices as standards for any county, municipality or public offices which do not conform to the type approved by the National Bureau of Standards for such use. It shall enforce all laws now existing or which may hereafter be enacted in any manner whatever relating to weights and measures and false weights.

Sec. 2556. Inspection of weights and measures.—The department of agriculture may try and prove weights, measures, balances and other measuring devices on request, for any person, corporation or institution, and when the same are found or made to conform to the State standards, and otherwise fulfill such reasonable requirements as it shall make, the department may seal the same with a seal which it shall have and keep for that purpose.

Sec. 2557. Record and report; regulations.—The department of agriculture shall keep a record of all of the weights, measures, balances

or other measuring devices, sealed or condemned by it, and shall make an annual report to the governor on or before January first, of each year, a copy of which shall be filed with the National Bureau of Standards. It shall issue, from time to time, regulations for the guidance of county, municipal and all other inspectors or sealers of weights and measures, and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties.

Sec. 2558. Record of apparatus to be kept; biennial report.—The department of agriculture shall keep records of all weights and measures, balances and measuring devices inspected, sealed or condemned by it, giving the name of the owner or agent, the place of business, the date of inspection, and kind of apparatus so inspected, sealed or condemned, and shall make a biennial report of the same to the governor on or before the first day of December, giving in addition to the above, an inventory of the standards and apparatus in its possession, and such other information as the department may deem important.

Sec. 2559. Free testing service; disposal of condemned apparatus.—The department of agriculture shall try and prove all weights, measures, balances and measuring devices used in the State of Idaho without charge, and when the same are found or made to conform to the authorized standards, it shall seal and mark such weights, measures, balances and measuring devices with a seal to be kept by it for that purpose. Where any weight, measure, balance or measuring device is found to be false or untrue, or which does not conform to the standards, or which can not be made to conform to the standards by such means as the department may have at its disposal, it shall condemn the same and mark it condemned in a conspicuous manner, and such condemnation mark shall not be removed or defaced, except by authorization of the said department.

Sec. 2560. Authority to enter premises.—The department of agriculture through its officers, shall have full power to enter any premises in or on which any weights, measures, balances or measuring devices may be located or used for the purpose of trade, for the purpose of inspecting, adjusting and sealing or condemning the same.

Sec. 2561. State standards.—Such standard weights and measures as have been furnished to this State by the government of the United States, in accordance with a joint resolution of Congress, approved June 17 [14], 1836, and such weights, measures, balances and measuring devices as may be received from the United States as standard weights, measures, balances and measuring devices, in addition thereto or in renewal thereof, shall be the authorized standards of the State of Idaho.

Sec. 2562. Units of measures of length and surface.—The units of standard measures of length and surface from which all other measures of extension, whether linear, superficial or solid, shall be derived and ascertained, are the standard of length designated in this chapter. The yard is divided into three equal parts called feet, and each foot into 12 equal parts called inches. For measures of cloth and other commodities commonly sold by the yard, the yard may be divided into halves, quarters, eighths and sixteenths. The rod pole or perch contains 5½ yards; the mile, 1,760 yards; the chain

for measuring land is 22 yards long and is divided into 100 equal parts called links. The acre of land measure shall be measured horizontally and contain 10 square chains, equivalent in area to a rectangle 16 rods in length and 10 rods in breadth; 640 acres being contained in a square mile.

Sec. 2563. Standards of weight.—The units of standards of weight, from which all other weights shall be derived and ascertained, shall be the standard weights designated in this chapter. The hundredweight consists of 100 avoirdupois pounds, and a ton contains 20 hundredweight. Whenever, hereafter in this chapter the word "pound" is used, it shall mean the avoirdupois pound, unless otherwise distinctly specified.

Sec. 2564. Units of capacity for dry commodities.—The units of standards of measure of capacity for commodities, not liquids, from which all other measures shall be derived and ascertained, shall be the standards for such commodities designated in this chapter. The peck, half-peck, quarter-peck, quart, pint and half-pint measures for measuring commodities which are not liquids shall be derived from the half-bushel by successively dividing that measure by two.

Sec. 2565. Units of capacity for liquids.—The units of standards of measures of capacity for liquids, from which all other measures shall be derived and ascertained, shall be the standard liquid measures designated in this chapter. The liquid gallon shall be divided by continual division by the number 2 so as to make half-gallons, quarts, pints, half-pints and gills.

Sec. 2566. Standard electrical measures.—The standards of electrical measures recognized by the National Bureau of Standards, when procured by the State, shall be the standard of electrical measures in the State of Idaho.

Sec. 2567. Metric system legal.—The weights and measures of the metric system shall be legal weights and measures in the State of Idaho.

Sec. 2568, as amended by Laws, 1921, ch. 167, p. 362. Standard weights established.—Whenever any of the following articles shall be contracted for, or sold, or delivered, and no special contract or agreement shall be made to the contrary, such sale and all computations for payment or settlement therefor shall be by weight.

The net weight per barrel or bushel, or divisible merchantable quantities of a barrel or bushel, shall be as follows:

Wheat flour, per barrel, 196 pounds; per half-barrel, 98 pounds; per quarter-barrel sack, 49 pounds; per one-eighth barrel sack, 24 pounds; per one-sixteenth barrel sack, 12 pounds.

Corn meal, per bushel sack, 48 pounds; per half-bushel sack, 24 pounds; per quarter-bushel sack, 12 pounds.

Of the following articles per bushel:

	Pounds		Pounds
Wheat	60	Turnips	55
Rye	56	Flaxseed	56
Indian corn, in the ear	70	Onions	57
Kaffir corn	56	Salt	80
Rice corn	56	Castor beans	46
Corn, shelled	56	Hemp seed	44
Sorghum seed	50	Native blue-grass seed	14
Buckwheat	50	English blue-grass seed	22
Sweet potatoes	50	Timothy seed	45

	Pounds
Dried peaches	33
Dried apples	24
Barley	48
Malt	32
Oats	32
Bran	20
Beans	60
Clover seed	60
Hungarian and millet seed	50
Potatoes	60
Green apples	48
Unslacked lime	80
Plastering hair, unwashed	8
Plastering hair, washed	4
Parsnips	50
Carrots	50
Beets	56
Tomatoes	56
Peaches	48
Shelled dried peas	60
Alfalfa seed	60

Sec. 2569 (1883). Standard of measurement for stone masonry.—The perch is the standard of measurement of stone masonry and contains 16½ solid feet.

Sec. 2570 (a1913). Standard cord.—Unless otherwise especially agreed upon, a cord of wood shall contain 128 cubic feet, 8 feet long, 4 feet high and 4 feet wide.

Sec. 2571 (1913). Contracts, sales or purchases, how construed.—All contracts, sales or purchases hereafter made for work to be done, or for anything to be sold or delivered or done, by weight or measure, within this State, shall be taken and construed in terms of, and according to, the standards of weights and measures adopted by this chapter, except where parties have agreed upon any other calculations or measurements; and all statements and representations of any kind referring to the weights or measures of commodities sold or purchased, or exposed for sale, shall be understood in terms of the standards of weights or measures aforesaid.

Sec. 2572. Dry commodities; how sold.—All dry commodities, not otherwise specified in this chapter, shall be sold only by standard and dry measure, standard weight, or numerical count, except where parties otherwise agree.

Sec. 2573 (1905). Apple boxes.—A box or packet of apples shall contain 2,150.42 cubic inches.

Sec. 2574 (a1913). Berry boxes.—Berries and small fruits, whenever sold in boxes, shall be sold in boxes containing a standard dry quart or dry pint, and if said boxes contain less than this amount, the information must be given to the purchaser, and such packages must be labeled with a statement of the net contents.

Sec. 2575. Milk and cream.—All milk or cream that shall be sold in bottles shall be sold only in bottles containing half-pints, pints, quarts, half-gallons or gallons. All other liquid commodities shall be sold only by standard liquid measure or standard weight, except where parties otherwise agree.

Sec. 2576. Lard pails.—Each pail or bucket of lard, lard-compound, or lard substitute offered or exposed for sale in the State of Idaho, shall have the net weight plainly stamped upon the label in letters not less than a quarter-inch high.

Sec. 2577. Bread, standard loaf; loaves not full weight.—A whole loaf of bread for sale shall not be less than 16 ounces in weight, 24 hours after baking. Bread, unless composed in chief parts of rye or maize, shall be sold only in whole and half loaves, and not otherwise. Bread, when sold, shall, upon the request of the buyer, be weighed in his presence, and if found deficient in weight, additional bread shall be delivered to make up the legal weight, except that this section shall not apply to rolls or to fancy bread weighing less than

one-quarter of a pound. Every loaf or half loaf of bread which does not weigh the full weight required by this section shall be plainly labeled with the exact weight.

Sec. 2578.[1] **Butter, weight; how marked.**—A print or package of butter shall contain 16 ounces avoirdupois, and when a print or package of butter containing less than 16 ounces avoirdupois shall be sold, its net weight shall be disclosed by the seller to the buyer and a statement of the net weight be distinctly printed on the wrapper thereof.

Sec. 2579. Sale and delivery prima facie representation; variations, or tolerances, how ascertained; not applicable to packed meats.—The selling and delivery of any commodity or article of merchandise shall be prima facie evidence of representations on the part of the vendor that the quantity sold and delivered was the quantity bought by the vendee. There shall be taken into consideration the usual and ordinary leakage, evaporation or waste that may take place from the time the package is filled by the vendor until the selling of the same; a slight variation from the stated weight, measure or quantity for individual packages is permissible, provided this variation is as often above as below the weight, measure or quantity stated or represented, except that this section shall not apply to meats packed in sacks, crates or boxes.

Sec. 2580. Penalty for interference.—Whoever hinders, obstructs, or in any way interferes with any sealer or other person authorized to inspect weights and measures, while in the performance of said inspection, or whoever fails to produce, upon demand by such authorized sealer or inspector, all weights and measuring devices in or upon his place of business or in his possession for use in manufacture or trade, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not less than $5 nor more than $100.

Sec. 2581. Using false apparatus or marking false weight or measure, penalty.—Any person, persons, firm or corporation, who shall use any false scales, beam, weight or measure, or who shall mark or stamp false weight or measure on any container, package or cask, or who shall sell, offer for sale, or have in his possession for sale, any article which does not conform to the United States standards or the standards designated in this chapter, or neglects, fails to conform with, or violates any of the provisions of this chapter, shall be guilty of a misdemeanor, and upon conviction, shall be fined not to exceed $300 for each offense, or imprisoned in the county jail not exceeding 90 days.

Comp. Stats., 1919, Vol. 1, ch. 163, p. 1115.

Sec. 3939 (a1915). Powers of municipal corporations.—In addition to the powers hereinbefore granted under the provisions of this chapter, any municipal corporation may, by ordinance or by-laws, exercise the powers prescribed in the following sections, 3940 to 3973, inclusive.

Sec. 3958. Regulation of weights and measures.—Establish standard weights and measures, and regulate the weights and measures to be used in the municipality, and to regulate the weighing and measur-

[1] See also sec. 1736 infra, p. 201.

ing of every commodity sold in the municipality, in all cases not otherwise provided by law.

Sec. 3959. Inspection of hay, grain, and fuel.—Provide for the inspection of hay, grain and coal, and the measuring of wood and fuel to be used in the municipality, and to determine the place or places of the same, and to regulate and prescribe the place or places of exposing for sale, hay, coal and wood; to fix the fees and duties of persons authorized to perform the duties named in this section.

Sec. 3995 (a1919). Municipality may establish inspection department; verification of standards.—Any municipality in the State may establish a department of public inspection of weights and measures, and shall have power to appoint a sealer and deputies and fix their compensation, and to pass such ordinances not in conflict with the State laws as may be deemed necessary; and if a city or municipality shall establish such a department it shall provide the sealer with suitable quarters, a set of standards to be specified by the department of agriculture, and all other equipment for the proper performance of his duties. All municipal standards shall be tried, proved, and sealed under the direction of the department of agriculture, and shall be returned to him [it] for verification at least once every five years. They shall make reports to the department of agriculture on blanks to be furnished by it on or before the 1st day of September of each year.

Sec. 3996 (1917). Municipal wagon scales; establishment.—The city council of any city or the board of trustees of any village of the State of Idaho are authorized and empowered to buy, establish and maintain public wagon scales in such municipality, and the said city council or board of trustees are authorized and empowered to buy and maintain scales already in use in the said municipality, the same to be used and maintained as a public wagon scale in such municipality for the public use therein.

Sec. 3997. Same; maintenance; weighmaster.—The city council of any city or the board of trustees of any village or any such municipality wherein such public wagon scales are maintained shall have control of such scales and shall make such rules or regulations in regard to the maintenance and use of the same as they shall deem proper, and the said city council or board of trustees shall biennially appoint a public weighmaster, whose duty it shall be to have charge of such scales and properly weigh all articles and commodities thereof [thereon] as hereafter provided and give a statement to such person applying to have such articles weighed, and such statement shall be prima facie evidence of the correct weight of such articles or commodities; and the city council or board of trustees shall fix the compensation of said weighmaster, which compensation shall be paid out of the treasury of such municipality, and shall, from time to time, fix the price to be charged for weighing any article or commodity thereon, and the weighmaster shall collect such charge at the time of weighing such articles or commodities and shall, at the end of each month, pay all moneys collected by him for such charge into the treasury of the municipality and file with the clerk of such municipality a statement of the amount of all such moneys collected.

Comp. Stats., 1919, Vol. 1, ch. 150, p. 971.

Sec. 3470 (a1917). Public wagon scales.—The county commissioners of any county outside of any incorporated city or village may, upon petition of ten freeholders in any county within the State of Idaho, establish and maintain public wagon scales at such point within such county as may be designated in said petition: *Provided*, That the persons signing the petiton shall certify that the petitioners regularly deliver their produce to the point designated in said petition.

Sec. 3471. Regulation of wagon scales; weighmaster.—The county commissioners of such county wherein such public scales are maintained shall have control of such scales and shall make such rules and regulations in regard to the maintenance and use of the same as they shall deem proper, and the said county commissioners shall appoint as many public weighmasters as they may deem necessary and fix their compensation. Such weighmasters shall have charge of such scales and properly weigh all articles and commodities thereon and give a statement to such persons applying to have such article or commodity weighed, and such statement shall be prima facie evidence of the correct weight of such articles or commodities. They shall collect such charge at the time of weighing such article or commodity as shall be fixed by the board of county commissioners, and at the end of each month make a written report of all moneys collected by them for such charge and pay to the treasurer of such county all of such funds: *Provided*, *however*, such weighmaster shall retain as his compensation such portions of the above moneys which he has collected as may have been fixed by the board of county commissioners.

Sec. 3472. Establishment by individuals; maintenance by county.—If the aforesaid petitioners or a less number desire to establish a public wagon scale and dedicate the same to the public use, they may do so at their own expense, and such public scale shall be subject to the same rules and regulations and all of the provisions of this article as though originally established by and at the expense of the board of county commissioners, or the board of county commissioners may contribute any parts of the expense of erecting such public wagon scale, and the persons desiring the same shall pay the balance of such purchase price: *Provided*, That in case either method hereinbefore mentioned is adopted in establishing the wagon scale, the said scale shall become the property of the county in which it is situated and be subject to the rules and regulations of the boards of county commissioners and all of the provisions of this article relating to county public wagon scales.

Sec. 3473. Expenses paid from and receipts credited to current expense fund.—Any expense incurred under the provisions of this article relating to county public wagon scales, except compensation to weighmasters, which, in all cases, shall be paid as provided in section 3471, shall be paid out of the current expense fund of the said county, and all moneys received from weighing charges as herein provided shall be credited to the current expense fund of the county in which such scale is situated.

Sec. 3474. Weighmaster's statement.—All statements issued by any weighmaster under the provisions of this article shall be made in triplicate, one copy of which shall be retained by the weighmaster,

one copy shall accompany the report to the county commissioners, and the original statement shall be given to the person for whom such weighing was done. Such statement shall be in substantially the following term:

County public weighing scale No. _____ Receipt No. _____
Location _____ Date _____
Weighed for _____
Quality of article or commodity _____
Gross weight_____ Tare _____
Net weight _____ Weighing charge _____
Signed _____
Weighmaster.

Comp. Stats., 1919, Vol. 2, ch. 308, p. 2350.

Sec. 8491°. False weights and measures.—A false weight or measure is one which does not conform to the standard established by the laws of the United States of America.

Sec. 8492. Selling by.—Every person who knowingly sells any goods, wares or merchandise, or any valuable thing, by false weight or measure, or knowingly uses false measures at any mill in taking toll for grinding corn, wheat, rye or other grain, is guilty of a misdemeanor.

Sec. 8493. Using false weights or measures.—Every person who uses any weight or measure, knowing it to be false, by which use another is defrauded or otherwise injured, is guilty of a misdemeanor.

Sec. 8494. Stamping false weight on packages.—Every person who knowingly marks or stamps false or short weight or measure, or false tare, on any cask or package, or knowingly sells or offers for sale any cask or package so marked, is guilty of a misdemeanor.

Sec. 8495. Sales by ton or pound; full weight must be given.—In all sales of coal, hay and other commodities, usually sold by the ton or fractional parts thereof, the seller must give to the purchaser full weight, at the rate of two thousand pounds to the ton; and in all sales of articles which are sold in commerce by avoirdupois weight the seller must give to the purchaser full weight, at the rate of sixteen ounces to the pound. Any person violating this section is guilty of a misdemeanor.

Sec. 8496 (1885). Fraudulent scales for weighing or assaying ores.—Every person, association or corporation, or the agent of any person, association or corporation, engaged in the business of milling, sampling, concentrating, reducing, shipping or purchasing ores, who keeps or uses any false or fraudulent scales or weights for weighing ores, who keeps or uses any false or fraudulent assay scales or weights for ascertaining the assay value of ore, knowing them to be false, is guilty of a misdemeanor and is punishable by a fine in any sum not exceeding one thousand dollars, or by imprisonment in the county jail for a term of not more than one year nor less than one month, or by both such fine and imprisonment.

Sec. 8497. Fraudulent alteration of value of ores; fraud in sale of ore.—Every person, corporation or association, or the agent of any person, corporation or association, engaged in milling, sampling, concentrating, reducing, shipping or purchasing ores in this State, who in any manner knowingly alters or changes the true value of any ores delivered to him or them, so as to deprive the seller of the result of the

correct value of the same, or who issues any bill of sale or certificate of purchase that does not exactly and truthfully state the actual weight, assay value and total amount paid for any lot or lots of ore purchased, or who, by any secret understanding or agreement with another, issues a bill of sale or certificate of purchase that does not exactly and truthfully state the actual weight, assay value and total amount paid for any lot or lots of ore purchased, or who, by any secret understanding or agreement with another, issues a bill of sale or certificate of purchase that does not truthfully and correctly set forth the weight, assay value and total amount paid for any lot or lots of ore purchased by him, is guilty of a misdemeanor, and shall be punished as provided in the preceding section.

Comp. Stats., 1919, Vol. 1, ch. 70, p. 464.

Sec. 1692 (1911). "Misbranded" defined.—For the purpose of this article food shall be deemed to be misbranded—

* * * * * * *

3. If in package form, and the contents are stated in terms of weight or measure, the net weight or measure is not plainly or correctly stated on the outside of the package.

* * * * * * *

Sec. 1727. Weight of milk.—A pint of milk shall weigh one pound strong and a quart of milk shall weigh two pounds strong and shall not be sold otherwise.

Sec. 1728. Penalties.—Any person, or persons, corporation or corporations violating, or who shall fail to comply with the preceding sections, numbered 1705 to 1727 inclusive, or any part, provision or section thereof, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not less than $10 and not exceeding $300, or by imprisonment in the county jail for a period not exceeding six months, or both such fine and imprisonment.

Sec. 1729 (a1909). Milk cans to have tag showing capacity; violation; punishment.—* * * Every person or corporation who shall engage in the business of purchasing or dealing in milk shall attach in a permanent manner to each can furnished by him or the producer, a tag containing in plain figures a correct statement of the capacity thereof. Any neglect or failure or false statement on the part of the proprietor or manager of such creamery, cheese factory, dairy or milk vendor or milk peddler, shall be considered a misdemeanor, and upon conviction thereof the person guilty shall be punished as provided in section 1679: * * *

Sec. 1736 (1905). Weight of butter.—Each package of butter offered or exposed for sale shall have stamped upon the wrapper or package, the actual number of ounces contained in said package. Each square or roll of butter kept, exposed or offered for sale in the State of Idaho, which is represented to contain one pound in weight, shall contain full sixteen ounces; and each square or roll of butter kept or offered for sale in the State of Idaho, which shall be represented to contain two pounds in weight shall contain full thirty-two ounces.[2]

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[2] See sec. 2578 supra, p. 197.

Sec. 1738 (a1915). Method of testing cream.—All cream sold in the State of Idaho for manufacturing purposes shall be tested for butter fat by the following prescribed method: The Babcock test shall be employed, and samples used in testing shall be weighed on a suitable scale or balance, and where 18 grams are used as a sample the same shall be tested in a 9-inch bottle graduated to at least 0.5 per cent, or where 9 grams are used as a sample the same shall be tested in a 6-inch bottle graduated to at least 0.5 per cent, also graduated to give full reading of the test, and in all tests the column of butter fat shall be read at a temperature of not less than 120 degrees Fahrenheit.

Sec. 1740. Check to show number of pounds purchased.—Every person, corporation or company operating a creamery, when using the Babcock test as a standard to determine the value of any milk or cream received or bought by such person, corporation or company to be manufactured into butter, shall, when paying for such milk or cream, include in every statement or check issued to any patron in payment therefor a statement of the number of pounds of butter fat for which payment is made.

Sec. 1741. Apparatus to be correct.—Any manufacturer, merchant, dealer or agent in this State who shall offer for sale or sell a milk pipette or measure, test tube or bottle which is not correctly marked or graduated, as herein provided, shall be guilty of a misdemeanor.

Sec. 1744. Penalties.—Whoever shall violate any of the provisions of sections 1738 and 1743, inclusive, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $25 nor more than $200, for each and every offense, or be imprisoned in the county jail not less than 30 days nor more than 60 days, or both such fine and imprisonment.

Laws, 1925, ch. 224, p. 435.

Sec. 6. Babcock test.—Every person testing milk or cream to determine the milkfat as a basis of fixing the purchase price shall secure a tester's license from the department and shall make such tests only by such process as has been approved by the department, and no person shall make such tests without such license, and other than by such process. Each applicant for such license shall be required to submit to examination or by actual demonstration show that he is competent to test cream and milk according to the regulations prescribed by the department. The department shall furnish at cost to each licensee one standard test bottle and one standard pipette adapted to the use of the testing machine approved for the licensee. Said bottle and pipette shall be certified to by the department as a standard and shall bear the official stamp of the department. Any person not a licensee may secure test bottles and pipettes from the department at cost. The fee for each license shall be $2.50 per year. With the approval of the department any licensee may appoint a person to act for him not to exceed a period of fourteen days.

Sec. 7. Unlawful to falsely manipulate test.—No person shall falsely manipulate or misread the Babcock test or any other milk or cream testing apparatus. The writing of a check or payment of money by such person for cream or milk shall constitute prima facie evidence that such test was made.

Sec. 16. Repeal.—Sections 1739 and 1743 of the Idaho Compiled Statutes, and all other acts or parts of acts in conflict herewith, are hereby repealed.

Comp. Stats., 1919, Vol. 1, ch. 86, p. 568.

Sec. 2032 (1917). Standards for farm products and receptacles.—After investigation and public hearing the department of agriculture may, from time to time, as far as practicable, establish and promulgate standards for open and closed receptacles for farm products and standards for the grade and other classification of farm products, by which their quantity, quality or value may be determined, and prescribe and promulgate rules and regulations governing the marks, brands and labels which may be required upon receptacles for farm products for the purpose of showing the name and address of the producer or packer, the quantity, nature and quality of the product, or any of them, and for the purpose of preventing deception in reference thereto: *Provided*, That any standard for any farm product or receptacle therefor or any requirement for making receptacles for farm products now or hereafter established under authority of the Congress of the United States, shall forthwith, as far as applicable and practicable, be established or prescribed and promulgated by the department as the official standard or requirement in this State: *Provided, further*, That no standard established or requirement for marking prescribed under this article shall become effective until the expiration of six months after it shall have been promulgated.

Sec. 2038 (1919). Fruit boxes, how marked; misuse of labels.—It shall be the duty of every person growing or packing and selling, offering for sale [or] shipping in closed boxes or packages, any fruit grown in this State, to plainly mark the same on the outside of the box or package with the name of the variety contained therein or with the words "variety unknown," the name of the place or locality where grown and the name of the grower, or, in case of sale or shipment through an association or organization of growers, the name of such association, and the lot number of the grower, and, in case of apples, pears or peaches, the net weight or the number contained in the package, * * * *Provided*, That nothing in this section shall be construed to apply to canned or dried fruit.

Sec. 2057 (1917). Sacked products to be sold by weight.—The buyer of grains, vegetables or other farm products sold by weight in sacks shall have the right to deduct the net weight of the sacks from the total weight before settling for the same: *Provided*, That when the weight of the said sacks are so deducted said sacks shall belong to the seller, and the buyer shall so mark the said sacks as to identify them properly and return them to the seller within sixty days thereafter upon the seller paying the return freight charges on the same from the point of unsacking: *Provided, further*, That this law shall not apply where no deduction is made for the weight of the sacks.

Sec. 2058. Violation, penalty.—Any buyer, as mentioned in the preceding section, who violates the provisions thereof shall pay to the seller named therein the retail price of all sacks not returned within the sixty days, as provided, and if suit shall be started to recover the same he shall pay ten per cent in addition as liquidated damages and also a reasonable attorney's fee and costs.

Comp. Stats., 1919, Vol. 1, ch. 115, p. 663.

Sec. 2468 (1913). Service of electric, gas, and water corporations; determination of standards.—The commission [public utilities commission] shall have power, after hearing had upon its own motion or upon complaint, to ascertain and fix just and reasonable standards, classifications, regulations, practices, measurements or service to be furnished, imposed, observed and followed by all electrical, gas and water corporations; to ascertain and fix adequate and serviceable standards for the measurement of quantity, quality, pressure, initial voltage or other condition pertaining to the supply of the product, commodity or service furnished or rendered by any such public utility; to prescribe reasonable regulations for the examination and testing of such product, commodity or service and for the measurement thereof; to establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurements; and to provide for the examination and testing of any and all appliances used for the measurement of any product, commodity or service of any such public utility.

Sec. 2470. Consumer may have commodity or appliance tested.—Any consumer or user of any product, commodity or service of a public utility may have any appliance used in the measurement thereof tested upon paying the fees fixed by the commission. The commission shall establish and fix reasonable fees to be paid for testing such appliances on the request of the consumer or user, the fee to be paid by the consumer or user at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the appliance is found defective or incorrect to the disadvantage of the consumer or user under such rules and regulations as may be prescribed by the commission.

Comp. Stats., 1919, Vol. 2, ch. 217, p. 1579.

Sec. 5557 (1899). Measurement of water.—A cubic feet of water per second of time shall be the legal standard for the measurement of water in this State, and it shall be the duty of the department of reclamation to devise a simple, uniform system for the measurement and distribution of water.

Comp. Stats., 1919, Vol. 1, ch. 112, p. 656.

Sec. 2344 (1903). Official seats of inspectors.—The inspector of lumber district number one shall keep his office at Sandpoint, Idaho; of district number two, at Harrison, Idaho; of district number three, at Princeton, Idaho; of district number four, at Emmett, Idaho; of district number five, at Lewiston, Idaho.

Sec. 2346. Measuring lumber.—Each lumber inspector shall, in person or by deputy, at the request of any owner of logs, timber or lumber, after a scalement or measurement thereof, make a bill stating therein the number of logs, the number of feet, board measure, contained in such logs and lumber, and the number of feet, cubic running, or board measure, contained in said timber, and at whose request the same were scaled or measured, and to whom scaled or measured, a copy of which he shall enter upon the books of his office, to be provided by him and kept for that purpose, with the marks as they occurred upon the logs. A correct bill of the same shall be given to

such owner, with a certificate thereto attached that it is a true and correct bill, which bill so certified shall be presumptive evidence of the facts therein contained and of the correctness of such scalement or measurement in all courts, except in favor of the inspector who made the same.

Sec. 2347. Allowance for rotten logs; accounts of deputies.—Each lumber inspector and his deputies shall, in surveying or measuring logs, make such allowance for hollow, rotten or crooked logs as would make them equal to good, sound, straight, merchantable logs; and all logs that are straight and sound are to be measured at their full size, inside the bark at the small end. Each lumber inspector shall require of each of his deputies, at the end of each month, a correct account of all the logs, lumber or timber measured by him during the month next preceding, and he shall immediately enter such account upon the books of his office.

Sec. 2348 (a1919). Standard of log measurement.—Unless otherwise agreed upon, the Scribner decimal C rule shall be the standard rule for scaling or measuring logs in the said districts; but in all cases the bill of the inspector shall state by what rule the logs were scaled or measured.

ILLINOIS

Smith's Revised Stats., 1921, ch. 147, p. 2002.

Sec. 1 (a1921). State standard of weights and measures.—The weights and measures received from the United States under joint resolutions of Congress approved June 14, 1836, and July 27, 1866, to wit, one yard measure, one standard half bushel containing one thousand and seventy-five and twenty-one hundredths standard cubic inches, one standard wine gallon containing two hundred and thirty-one standard cubic inches, one-half gallon, one wine quart, one wine pint, one wine half pint, one set of avoirdupois weights, consisting of fifty, twenty-five, twenty, ten, five, four, three, two and one pounds, and from eight ounces down to one dram; one set of troy weights, from five thousand pennyweights down to half a grain and from one pound down to the ten-thousandth part of an ounce, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or in renewal thereof, and such as shall be supplied by the State in conformity therewith and certified by the National Bureau of Standards, shall be the State standards of weights and measures.

Sec. 2. Office standard to be kept in office of director of trade and commerce; verification.—In addition to the State standards of weights and measures, provided for above, there shall be supplied by the State at least one complete set of copies of these, to be kept at all times in the office of the director of trade and commerce, and to be known as office standards; and such other weights, measures and apparatus as may be found necessary to carry out the provisions of this act, to be known as working standards. Such weights, measures, and apparatus shall be verified by the director of trade and commerce upon their initial receipt, and at least once in each year thereafter the office standards shall be verified by direct comparison with the State standards, the working standards by comparison with the office standards. When found accurate upon these tests, the office and working standards shall be sealed by stamping on them the letter "ILL" and the last two figures of the year with seals which the director of trade and commerce shall have and keep for that purpose. The office standards shall be used in making all comparisons of weights, measures, and weighing or measuring devices submitted for test in the office of the director of trade and commerce, and the State standards shall be used only in verifying the office standards and for scientific purposes.

Sec. 3. Safekeeping of standards.—The director of trade and commerce shall take charge of the standards adopted by this act as the standards of the State, and cause them to be kept in a fireproof building belonging to the State (or in a safe and suitable place in the office of the director of trade and commerce), from which they shall not be removed except for repairs or for certification, and he shall take

all other necessary precautions for their safekeeping. He shall maintain the State standards in good order and shall submit them at least once in ten years to the National Bureau of Standards for certification. He shall keep a complete record of the standards, balances and other apparatus belonging to the State and shall take a receipt for the same from his successor in office.

Sec. 4. Weights, etc., of cities to be tried and proved; inspection.—It shall be the duty of all cities in this State required to appoint inspectors as provided for herein, at least once in five years, to forward to the office of standards at Springfield, Illinois, all standard weights, measures, and apparatus which may belong to said cities, for the purpose of having the same tried and proved by the office standards of this State, and upon receipt of same, the director of trade and commerce shall try and prove said apparatus as herein required, and he shall seal said weights, measures and apparatus when found to be accurate by stamping on them the letters "ILL" and the last two figures of the year with seals which he shall have and keep for that purpose.

The director of trade and commerce shall inspect all standard weights, measures, and other apparatus used by such cities, at least once in two years, and shall keep a record of the same. He shall, at least once in two years, visit the cities for the purpose and in order to inspect the work of the city inspectors, and in the performance of such duties he may inspect the weights, measures, balances, or any other weighing or measuring devices of any citizen, firm or corporation, and shall have the same power as the city inspectors of weights and measures.

The director of trade and commerce shall issue from time to time regulations for the guidance of city inspectors, and the said regulations shall govern the procedure to be followed by the aforesaid inspectors in the discharge of their duties.

Sec. 5. Supervision over weights, etc., sold; tests on request; State institution tests.—The director of trade and commerce shall have and keep a general supervision of the weights and measures and weighing or measuring devices offered for sale, sold, or in use in the State. He shall, upon the written request of any citizen, firm, or corporation, or educational institution in the State, test or calibrate weights, measures, and weighing or measuring devices used as standards in the State. He shall at least once annually test all scales, weights, and measures used in checking the receipts or disbursements of supplies in every institution for the maintenance of which moneys are appropriated by the legislature, and he shall report in writing his findings to the director having jurisdiction over the institution whose measuring devices are tested, and, at the request of such director, the director of trade and commerce shall appoint in writing one or more employees then in the actual service of the institution who shall act as special deputies for the purpose of checking the receipts or disbursements of supplies.

Sec. 6. Who shall pay inspection fees.—No person shall be required to pay more than two inspection fees for any one scale in any one year when found to be accurate. Whenever such inspection shall be made upon the complaint of any person, other than the owner of the

scale, and upon examination the scale is found by the inspector to be accurate for weighing, the inspection fee for such inspection shall be paid by the person making complaint. Whenever a special request is made for an inspection of a scale, the actual expenses of the same shall be paid by the owner of said scale, or by the person making the complaint, as herein provided.

Sec. 7. Power and duty of director of trade and commerce to inspect weights, etc.—When not otherwise provided by law, the director of trade and commerce shall have the power, and it shall be his duty, in those parts of the State in which a city sealer is not required to be appointed by the provisions of this act, to inspect, test, try, and ascertain if they are correct all weights, measures, and weighing or measuring devices kept, offered, or exposed for sale, sold, or used or employed by any proprietor, agent, lessee, or employee in proving the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption purchased or offered or submitted by such person or persons for sale, hire, or award; and he shall have the power to and shall from time to time weigh or measure and inspect packages or amounts of commodities of whatsoever kind for the purpose of sale, offered or exposed for sale, or sold or in the process of delivery, in order to determine whether the same contain the amounts represented, and whether they are offered for sale or sold in a manner in accordance with law. He shall, at least once each year and as much oftener as he may deem necessary, see that all weights, measures, and weighing or measuring devices used are correct. He may, for the purpose above mentioned, and in the general performance of his official duties, enter and go into or upon, and without formal warrant, any stand, place, building or premises, or stop any vendor, peddler, junk dealer, coal wagon, ice wagon, delivery wagon, or any person whatsoever, and require him, if necessary, to proceed to some place which the director of trade and commerce may specify, for the purpose of making the proper tests. Whenever the director of trade and commerce finds a violation of the statutes relating to weights and measures, he shall cause the violator to be prosecuted.

Sec. 8. Sealing and marking of measures.—Whenever the director of trade and commerce compares weights, measures, or weighing or measuring devices and finds that they correspond, or causes them to correspond, with the standards in his possession, he shall seal or mark such weights, measures, or weighing or measuring devices with appropriate devices.

Sec. 9. Inspection upon complaint.—Whenever complaint shall be made to the director of trade and commerce that any false or incorrect scales, weights or measures are being made use of by any person, firm or corporation in the purchase or sale of merchandise or other commodities or in weighing any article or commodity, the piece price paid for producing which is determined by weight or measure, it shall be his duty to cause the same to be inspected as soon as the duties of his office will permit, and he shall make such other inspection of weights and measures as in his judgment is necessary or proper to be made.

Sec. 10. Seizure and destruction of incorrect weights.—The director of trade and commerce shall condemn and seize, and may destroy,

incorrect weights, measures, or weighing or measuring devices which, in his best judgment, are not susceptible of satisfactory repair; but such as are incorrect and yet, in his best judgment, may be repaired, he shall mark or tag as "Condemned for repairs." The owners or users of any weights, measures, or weighing or measuring devices of which such disposition is made shall have the same repaired and corrected within ten days; and they may neither use nor dispose of the same in any way, but shall hold the same at the disposal of the director of trade and commerce. Any weights, measures, or weighing or measuring devices which have been "condemned for repairs" and have not been repaired as required above, shall be confiscated by the director of trade and commerce.

Sec. 11. Superintendent of standards; powers and duties.—The powers and duties given to and imposed upon the director of trade and commerce herein are hereby also given to and imposed upon the superintendent of standards and assistants, when acting under his instructions and at his direction.

Sec. 12. Inspector of weights and measures.—There shall be an inspector of weights and measures in each city of this State having a population of 25,000 or more inhabitants, according to the last official Federal census, who shall be appointed by the council of said city in the manner in which other city officers or employees are appointed; and power is hereby conferred upon such council to pass such ordinance relative thereto and the duties to be performed by such inspector as it may deem proper, the provisions of which ordinance shall not be in conflict with the provisions of this act: *Provided*, That nothing in this section contained shall be construed to minimize the powers or curtail the duties of any city inspector of weights and measures in any city of more than two hundred thousand inhabitants, as provided by ordinances or regulations of such city, nor to modify or repeal any such ordinances.

Sec. 13. City councils to procure weights and measures.—The council of each city of this State required hereunder to appoint an inspector of weights and measures shall procure, at the expense of the city, and shall keep at all times, a set of weights and measures, and other apparatus, as complete and of such materials and construction as the director of trade and commerce may from time to time direct. All such weights, measures, and other apparatus, having been tried and accurately proved by the director of trade and commerce, shall be sealed and certified to by him as hereinbefore provided, and shall then be deposited with and preserved by the city inspector of weights and measures as public standards for such city. Whenever the council of such city shall neglect to procure such standards for six months, the city clerk of said city, on notification and request by the director of trade and commerce, shall provide such standards and cause the same to be tried, sealed and deposited at the expense of the city.

Sec. 14. Powers and duties of city inspector.—Where not otherwise provided by law, the city inspector of weights and measures shall have the same powers and shall perform the same duties within his city as are granted to and imposed upon the director of trade and commerce by sections 7, 8, 9 and 10 of this act.

Sec. 15. Annual report of city inspector.—The city inspector of weights and measures shall keep a complete record of all of his

official acts and shall make an annual report to the council of the city, and an annual report, duly sworn to, on the first day of July, to the director of trade and commerce, on blanks furnished by him, and also any special reports that the director of trade and commerce may request.

Sec. 16. Power to arrest; seize property.—The director of trade and commerce, his representatives, and the city inspectors of weights and measures are hereby made special policemen and are authorized and empowered to arrest, without formal warrant, any violator of the statute in relation to weights and measures, and to seize and hold for use as evidence in any action brought under the statute of this State, or under any ordinances of a municipality, any short measure or faulty and incorrect weight, scale or other instrument used for weighing or measuring, or any commodity or article of merchandise sold, offered or exposed for sale which is of less weight or measure than it is represented to be by the vendor, his agent, or employee. Such short measure, faulty or incorrect weight, scale or other instrument used for weighing or measuring, or such commodity or article of merchandise (except perishable commodities or articles which shall have become of no value) shall be released and returned to the owner thereof if no suit is commenced against such owner within fifteen days of the date of such seizure.

Any person herein authorized, who shall make any such seizure, shall not be liable to the owner of the property seized for damages caused by such seizure in any case where in fact any such measure seized is short, or reasonable grounds exists for believing it so to be; or any weight, scale or other instrument used for weighing is faulty or incorrect, or reasonable grounds exists for believing it so to be; or any such scale, weight or measure, or any commodity or article of merchandise, is of less weight or measure than it is represented, or reasonable grounds exists for believing it so to be.

Upon the conviction of the defendant the court shall cause any scale, weight or measure in respect whereof the defendant stands convicted, and which remains in the possession or under the control of the prosecutor or other person duly authorized, to be destroyed.

Sec. 17. Obstructing performance of official duties; penalty.—Any person who shall hinder or obstruct in any way the director of trade and commerce, or any city inspector of weights and measures, in the performance of his official duties shall be guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not less than twenty dollars nor more than two hundred dollars, or by imprisonment in the county jail for not more than three months, or by both such fine and imprisonment.

Sec. 18. Impersonating an official by use of seal, etc.; penalty.—Any person who shall impersonate in any way the director of trade and commerce, or any city inspector of weights and measures, by the use of his seal or counterfeit of his seal, or otherwise, shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Sec. 19. Unlawful to sell commodities unless by weight or measure; meaning of terms.—It shall be unlawful to sell, except for immediate

consumption on the premises, liquid commodities in any other manner than by weight or liquid measure, or commodities not liquid in any other manner than by measure of length, by weight, or by numerical count, unless otherwise agreed in writing by the mutual consent of the buyer and seller: *Provided, however*, That nothing in this section shall be construed to prevent the sale of fruits, vegetables, and other dry commodities in the standard barrel provided for in section 26; or of berries and small fruits in boxes as provided for in section 27; or of vegetables or fruits usually sold by the head or bunch in this manner: *Provided, further*, That nothing in this section shall be construed to apply to foodstuffs put up in original packages, nor to proprietary or package medicines which are not sold or offered for sale as of any specific quantity of the commodity.

For the purposes of this section, the term "original package" shall be construed to include a commodity in a package, carton, case, can barrel, bottle, box, phial, or other receptacle, or in coverings or wrappings of any kind, put up by the manufacturer, which may be labeled branded, or stenciled, or otherwise marked, or which may be suitable for labeling, branding, or stenciling, or marking otherwise, making one complete package of the commodity. The words "original package" shall be construed to include both the wholesale and the retail package.

For the purposes of this section the term, "commodities not liquid" shall be construed to include goods, wares, and merchandise, which are not in liquid form and which have heretofore been sold by measure of length, by weight, by measures of capacity, or by numerical count, or which are susceptible of sale in any of these ways.

Sec. 20. Coal, etc., to be sold by weight; delivery tickets.—It shall be unlawful to sell or offer to sell any coal, coke, or charcoal in any other manner than by weight. It shall be unlawful for any person to deliver any coal, coke, or charcoal unless each such delivery is accompanied by a delivery ticket and a duplicate thereof, on each of which shall be, in ink or other indelible substance, distinctly expressed in pounds, the gross weight of the load, the tare of the delivery vehicle, [and the quantity or quantities of coal, coke, or] [1] charcoal contained in the vehicle used in such deliveries, with the name of the purchaser thereof, and the name of the dealer from whom purchased. One of these tickets shall be surrendered to the director of trade and commerce, or any city inspector of weights and measures, upon his demand, for his inspection, and this ticket, or a weight slip issued by him when he desires to retain the original, shall be delivered to the said purchaser of said coal, coke, or charcoal, or his agent or representative at the time of the delivery of the fuel; and the other ticket shall be retained by the seller of the fuel. When the buyer carries away the purchase, a delivery ticket showing the actual number of pounds delivered to him must be given to him at the time the sale is made.

Sec. 21. Weight of contents of package to appear thereon; exemptions; meaning of terms.—It shall be unlawful to keep for the purpose of sale, offer or expose for sale, or sell, any commodity in package

[1] The words contained within the brackets are not given in the Statutes, but since they are contained in the original act they were apparently inadvertently omitted from the Statutes.

form unless the net quantity of the contents be plainly and conspicuously marked on the outside of the package, in terms of weight, measure, or numerical count: *Provided, however*, That reasonable variations or tolerances shall be permitted, and that these reasonable variations or tolerances and exemptions shall be established by rules and regulations made and promulgated by the director of trade and commerce: *And, provided, further*, That this section shall not be construed to apply to those commodities in package form, the manner of sale of which is specifically regulated by the provisions of other sections of this act.

The words "in package form" as used in this section shall be construed to include a commodity in a package, carton, case, can, box, barrel, bottle, phial, or other receptacle, or in coverings or wrappings of any kind, put up by the manufacturer, or, when put up prior to the order of the commodity, by the vendor, which may be labeled, branded, or stenciled, or otherwise marked, or which may be suitable for labeling, branding, or stenciling, or marking otherwise, making one complete package of the commodity. The words "in package form" shall be construed to include both the wholesale and the retail package. "Package" as used in this section, does not include any container in which are packed or contained packages of a smaller size of a commodity, but the provisions of this section apply only to the container directly enclosing the commodity.

Sec. 22. Net amount of commodity must be marked on label.—It shall be unlawful to keep for the purpose of sale, offer or expose for sale, or sell, any commodity composed in whole or in part of cotton, wool, linen, or silk, or any other textile material on a spool or similar holder, or in a container or band, or in a bolt or roll, or in a ball, coil, or skein, or in any similar manner, unless the net amount of the commodity in terms of weight or measure shall be definitely, plainly and conspicuously marked on the principal label, if there be such a label; otherwise on a wrapping, band, or tag attached thereto.

The words "spool or similar holder, container or band, bolt or roll, or ball, coil or skein" shall be construed to include the spool or similar holder, container or band, bolt or roll, or ball, coil, or skein put up by the manufacturer; or when put up prior to the order of the commodity, by the vendor. It shall be held to include both the wholesale and the retail package.

Sec. 23. Butter, etc., to be sold by weight; sizes of print; statement of weight.—It shall be unlawful for any person to sell, or offer to sell, any butter or renovated or process butter or oleomargarine in any other manner than by weight. It shall be unlawful for any person to put up, pack, or keep for the purpose of sale, offer or expose for sale, or sell any butter or renovated or process butter, or oleomargarine, in the form of prints, bricks, or rolls in any other than the following sizes, to wit: One-quarter pound, one-half pound, one pound, one and one-half pounds, or multiples of one pound. Each print, brick, or roll shall bear a definite, plain, and conspicuous statement of its true net weight, on the principal label, where there be such a label, otherwise on the outside wrapper thereof; such statement shall be in Gothic type not less than one-quarter inch square.

The prints, bricks, or rolls referred to in this section shall be construed to include those prints, bricks, or rolls put up by the manufacturer or producer; or, when put up prior to the order of the commodity, by the vendor.

Sec. 24. Bread, shall be sold by weight.—All bread kept for the purpose of sale, offered or exposed for sale, or sold, shall be sold by weight, and cities required by this act to appoint inspectors of weights and measures may enact and enforce ordinances regulating the same.

Sec. 25. Capacity of milk bottles; capacity to appear on bottle; designating number; bond; penalty.—Bottles used for the sale of milk or cream shall be of the capacity of one-half gallon, three pints, one quart, one pint, one-third quart, one-half pint, and one gill when filled to the bottom of the cap, ring or stopple. The following variations on individual bottle or jars may be allowed, to wit: Six drams above and six drams below on the half gallon, five drams above and five drams below on the three-pint, four drams above and four drams below on the quart, three drams above and three drams below on the pint, two and one-half drams above and two and one-half drams below on the one-third quart, two drams above and two drams below on the one-half pint, and two drams above and two drams below on the gill. Bottles or jars used for the sale of milk or cream shall have clearly blown or otherwise permanently marked in the side of the bottle the capacity of the bottle and the word "sealed;" and in the side or bottom of the bottle the name, initials, or trademark of the manufacturer and a designating number, which designating number shall be different for each manufacturer and may be used in identifying the bottles. The designating number shall be furnished by the director of trade and commerce upon application by the manufacturer, and upon the filing by the manufacturer of a bond in the sum of one thousand dollars, with sureties, to be approved by the director of trade and commerce, conditioned upon their conformance with the requirements of this section. A record of the bonds furnished and the designating numbers and to whom furnished shall be kept in the office of the director of trade and commerce.

Provided, The requirement that the word "sealed" and the designating number to be placed upon the bottle shall not be enforced as to any such bottles in use at the time of the passage of this act until the first day of January, A. D. 1923: *And provided further*, Such requirement for the marking of bottles shall not be construed as modifying or repealing any other laws of this State with reference to this subject.

Any manufacturer who sells or offers to sell milk or cream bottles to be used in this State that do not comply, as to size and markings, with the provisions of this section shall suffer a penalty of five hundred dollars, to be recovered by the attorney general in an action against the offender's bondsmen to be brought in the name of the people of the State. Any dealer who uses, for the purpose of selling milk or cream, jars or bottles purchased after this law takes effect that do not comply with the requirements of this section as to markings and capacity, shall be deemed guilty of using a false or insufficient measure.

City inspectors of weights and measures are not required to seal bottles or jars for milk or cream marked as in this section provided, but they shall have the power to, and shall from time to time, make tests on individual bottles used by the various persons, firms, or corporations, in the territory over which they have jurisdiction in order to ascertain if the above provisions are being complied with, and they shall immediately report violations found to the director of trade and commerce.

Sec. 26. Dimensions of standard barrel for fruits, etc.—The standard barrel for fruits, vegetables and dry commodities other than cranberries shall be of the following dimensions when measured without distention of its parts; length of staves, twenty-eight and one-half inches; diameter of heads, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of bulge, sixty-four inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch: *Provided*, That any barrel of a different form having a capacity of seven thousand and fifty-six cubic inches shall be a standard barrel. The standard barrel for cranberries shall be of the following dimensions when measured without distention of its parts; length of staves, twenty-eight and one-half inches; diameter of heads, sixteen and one-fourth inches; distance between heads, twenty-five and one-fourth inches, circumference of bulge, fifty-eight and one-half inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch.

It shall be unlawful for any person to offer or expose for sale, sell, or ship any other barrels for fruits, vegetables, or other dry commodities, or to offer or expose for sale, sell, or ship any fruits, vegetables, or other dry commodities in other barrels than the standard barrels as defined in this section, or subdivisions thereof known as the third, half, or three-quarters barrel: *Provided*, *however*, That nothing in this section shall apply to barrels used in packing or shipping commodities sold exclusively by weight or numerical count: And, *Provided*, *further*, That no barrel shall be deemed below standard within the meaning of this section when shipped to any foreign country and constructed according to the specifications or directions of the foreign country to which the same is intended to be shipped.

Sec. 27. Containers holding one quart or less.—It shall be unlawful to procure or keep for the purpose of sale, offer or expose for sale, sell, or give away baskets or other open containers for berries or small fruits, holding one quart or less, or to procure or keep for the purpose of sale, offer or expose for sale, or sell berries or small fruits in baskets or other open containers, holding one quart or less, of any other than the following capacities, when level full; one quart, one pint, or one-half pint, standard dry measure.

Sec. 28. Net weight of commodity.—Whenever any commodity is sold on a basis of weight, it shall be unlawful to employ any other weight in such sale than the net weight of the commodity; and all contracts concerning goods sold on a basis of weight shall be understood and construed accordingly. Whenever the weight of a commodity is mentioned in this act, it shall be understood and construed to mean the net weight of the commodity.

Sec. 29. Standard of length and surface.—The unit or standard of length and surface, from which all the other measures of extension, whether lineal, superficial or solid, shall be derived and ascertained, is

the standard yard designated in this act, which is divided into three equal parts called feet, and each foot into twelve equal parts called inches. For measures of cloth and other commodities commonly sold by the yard, it may be divided into halves, quarters, eighths and sixteenths. The rod, pole or perch, contains five and one-half yards; the mile one thousand seven hundred and sixty yards. The chain for measuring land is twenty-two yards long and is divided into one hundred equal parts called links. The acre for land measurement shall be measured horizontally and contain ten square chains, equivalent in area to a rectangle sixteen rods in length and ten in breadth, six hundred and forty acres being contained in a square mile.

Sec. 30. Avoirdupois and troy weights; ratio.—The units or standards of weight from which all the other weights shall be derived and ascertained shall be the standard avoirdupois and troy weights designated in this act, an avoirdupois pound to bear to the troy pound the ratio of seven thousand to five thousand seven hundred and sixty grains. Therefore, the avoirdupois pound bears to the troy pound the ratio of seven thousand to five thousand seven hundred and sixty, and is divided into sixteen equal parts called ounces. The hundredweight consists of one hundred avoirdupois pounds, and twenty hundredweight are a ton. The troy ounce is equal to a twelfth part of a troy pound.

Sec. 31. Standards of measure of capacity, barrel, hogshead.—The units or standards of measure of capacity for liquids from which all other measures shall be derived and ascertained shall be the standard gallon and its parts designated in this act. The barrel is equal to thirty-one and one-half gallons, and two barrels shall constitute a hogshead. All other measures of capacity for liquids shall be derived from the liquid gallon by continual division by the number two, so as to make half gallons, quarts, pints, half pints and gills. The unit or standard measure of capacity for substances not liquids, from which all measures of such substances shall be derived and ascertained, is the standard half bushel mentioned in this act. The peck, half peck, quarter peck, quart and pint measure for measuring commodities which are not liquids shall be derived from the half bushel by successively dividing that measure by two.

Sec. 32. Heaped measures; dry commodities not heaped.—All commodities sold by heaped measure shall be duly heaped up in the form of a cone, the outside of the measure by which the same shall be measured to be the limit of the base of such cone, and such cone to be as high as the article to be measured will admit.

The measures used for measuring dry commodities not heaped shall be stricken with a straight stick or roller.

Sec. 33. Contracts to be construed according to standard.—Contracts hereafter to be executed, made within the State, for any work to be done, or for anything to be sold, delivered, done or agreed for, by weight or measure, shall be taken and construed to be made according to the standard weight and measure ascertained as hereinbefore provided unless there is an express provision to the contrary.

Sec. 34. Weight per bushel or barrel.—Whenever any of the following articles shall be contracted for, or sold, or delivered, and when no special contract or agreement shall be made to the contrary, the

weight per bushel or barrel or divisible merchantable quantities of a bushel or barrel shall be as follows:[2]

	Pounds
Wheat flour, per barrel	196
Wheat flour, per half barrel	98
Wheat flour, per quarter barrel sack	49
Wheat flour, per eighth barrel sack	24½
Corn meal, per bushel sack	48
Corn meal, per half bushel sack	24
Corn meal, per quarter bushel sack	12
Alfalfa seed, per bushel	60
Apples, green, per bushel	47
Apples, dried, per bushel	24
Barley, per bushel	48
Beans, green or string, per bushel	24
Beans, wax, per bushel	24
Beans, white, per bushel	60
Beans, castor, per bushel	46
Beets, per bushel	60
Blue grass seed, per bushel	14
Bran, per bushel	20
Buckwheat, per bushel	52
Carrots, per bushel	50
Charcoal, per bushel	20
Clover seed, per bushel	60
Coal, per bushel	80
Coke, per bushel	40
Corn, seed, broom, per bushel	48
Corn meal, unbolted, per bushel	48
Corn, in the ear, per bushel	70
Corn, kaffir, per bushel	56
Corn, shelled, per bushel	56
Cotton seed, per bushel	32
Cranberries, per bushel	33
Cucumbers, per bushel	48
Emmer, per bushel	40
Flax seed, per bushel	56
Gooseberries, per bushel	40
Hair, plastering, unwashed, per bushel	8
Hair, plastering, washed, per bushel	4
Hemp seed, per bushel	44
Hickory nuts, per bushel	50
Hungarian grass seed, per bushel	50
Indian corn or maize, per bushel	56
Lime, per bushel	80
Malt, per bushel	38
Millet, per bushel	50
Millet, Japanese barnyard, per bushel	35
Oats, per bushel	32
Onions, per bushel	57
Onion sets, top, per bushel	30
Onion sets, bottom, per bushel	32
Orchard grass seed, per bushel	14
Osage orange seed, per bushel	33
Parsnips, per bushel	50
Peaches, per bushel	48
Peaches, dried, per bushel	33
Peanuts, green, per bushel	22
Peanuts, roasted, per bushel	20
Pears, per bushel	58
Peas, dried, per bushel	60
Peas, green in pod, per bushel	32
Popcorn, in the ear, per bushel	70
Popcorn, shelled, per bushel	56
Potatoes, Irish, per bushel	60
Potatoes, sweet, per bushel	50
Quinces, per bushel	48
Rape seed, per bushel	50
Rep top seed, per bushel	14
Rough rice, per bushel	45
Rutabagas, per bushel	50
Rye meal, per bushel	50
Rye, per bushel	56
Salt, coarse, per bushel	55
Salt, fine, per bushel	50
Shorts, per bushel	20
Sorghum seed, per bushel	50
Spelt, per bushel	40
Spinach, per bushel	12
Sweet clover seed, unhulled, per bushel	33
Timothy seed, per bushel	45
Tomatoes, per bushel	56
Turnips, per bushel	55
Walnuts, per bushel	50
Wheat, per bushel	60

Whenever any of the following named articles are sold by the cubic yard and the same are weighed, the following weights shall govern:

	Pounds
Crushed stone (1 cubic yard)	2,500
Bank sand (1 cubic yard)	2,500
Torpedo sand (1 cubic yard)	3,000
Gravel (1 cubic yard)	3,000

Sec. 35. Penalties.—Whoever, in buying any of the articles of property mentioned in the preceding section, shall take any greater number of pounds thereof to the bushel, barrel, or cubic yard or divisible merchantable quantity of a bushel, barrel or cubic yard, or in selling any of said articles, shall give any less number of

[2] A slight change has been made in the arrangement for convenience of reference.

pounds thereof to the bushel, barrel or cubic yard or divisible merchantable quantity of a bushel, barrel or cubic yard than is allowed by said section, with intent to gain an advantage thereby, except expressly authorized so to do by special contract or agreement to that effect, shall be liable to the party injured in double the amount of the property so wrongfully taken or not given and ten dollars in addition thereto, to be recovered in any form of action in any court of competent jurisdiction.

Sec. 36. Firewood; cord; penalty.—Whenever any firewood shall be contracted for or sold or delivered, and when no special contract or agreement shall be made to the contrary, one hundred and twenty-eight cubic feet shall constitute a cord.

Whoever, in buying same, shall take any greater number of cubic feet thereof to the cord, or divisible merchantable quantity of a cord, or in selling same, shall give any less number of cubic feet to the cord or divisible merchantable quantity of a cord; with intent to gain an advantage thereby, except expressly authorized so to do by special contract or agreement to that effect, shall be liable to the party injured in the same manner as is provided in section 35 hereof.

Sec. 37. Fees.—The director of trade and commerce and each city inspector of weights and measures shall be entitled to receive and collect fees for the use of the State or city as the case may be for service at the following rates:

For inspecting and sealing scales of the capacity of 40,000 pounds and upward, each	$5.00
For inspecting and sealing scales of the capacity of 24,000 pounds up to 40,000 pounds, each	2.50
For inspecting and sealing scales of the capacity of 6,000 pounds up to 24,000 pounds, each	1.50
For inspecting and sealing scales of the capacity of 2,500 pounds up to 6,000 pounds, each	.75
For inspecting and sealing scales of the capacity of 240 pounds up to 2,500 pounds, each	.50
For inspecting and sealing scales of the capacity of 2 pounds up to 240 pounds, each	.30
For inspecting and sealing Hopper scales, each	2.00
For inspecting and sealing two-bushel, one-bushel and one-half bushel measures, each	.10
For inspecting and sealing any other dry measure, each	.10
For inspecting and sealing every automatic weighing machine, or every instrument or device of a capacity of less than three tons used for weighing or measuring any person or animal, for hire or reward, each	.75
For inspecting and sealing liquid measures of the capacity of one gallon and upward, each	.15
For inspecting and sealing any other liquid measures not used for compounding and manufacturing purposes, each	.10
For inspecting and sealing yard measures, each	.10
For inspecting and sealing any linear measure, for each three feet	.10
For inspecting and sealing any tape line exceeding 50 feet in length, each	.75
For inspecting and sealing any automatic machine used for lineal measuring, each	.75
For inspecting and sealing any automatic pump used for measuring gasoline, oils, etc., each	1.00

They shall also be entitled to, for the use of the State or city, as the case may be, a reasonable compensation for making such weights and measures conform to the standards established by this act: *Provided, however*, That no charge shall be made by the department of trade and commerce for inspecting and sealing any weights, meas-

ures, scales or beams which may belong to any city and which may be sent or brought to the department of trade and commerce for that purpose by the inspector of weights and measures of such city.

Sec. 38. Unlawful to sell gasoline, etc., by any other measure than that provided in section 31; automatic or mechanical pump to be approved; penalty.—It shall be unlawful to sell or offer to sell any gasoline, naphtha, kerosene, wood alcohol or other oils or liquids used in producing light or heat or generating gas or power by any measure other than that provided in section 31 hereof for liquids.

It shall be unlawful for any person, firm or corporation to use any automatic or mechanical pump or device for the purpose of measuring any liquid commodity to be sold or offered for sale unless such automatic or mechanical pump or device shall have been inspected and approved by the proper authority under this law. The owner or user of every automatic or mechanical pump or device shall provide proper tested standard measures, and shall at least once each day, and always before commencing to use a new supply of liquid, test the accuracy of the pump or device in use. The director of trade and commerce is authorized to examine and inspect all automatic or mechanical devices used for the purpose of measuring any liquid commodity to be sold or offered for sale, and condemn for repairs or seize any such devices found to be inaccurate or incorrect.

Any person, firm or corporation using any such automatic or mechanical device without having obtained the certificate of approval as hereinbefore provided for, or any person using such automatic or mechanical device knowing the same to be incorrect or defective, shall, upon conviction, be fined not less than five dollars nor more than five hundred dollars.

Sec. 39. Penalties.—Any person who, by himself or by his servant or agent, or as the servant or agent of another person, shall offer or expose for sale, sell, use in buying or selling of any commodity or thing or for hire or award, or retain in his possession a false weight or measure or weighing or measuring device or any weight or measure or weighing or measuring device which has not been sealed by the director of trade and commerce, or by a city inspector of weights and measures, within one year, or shall dispose of any condemned weight, measure, or weighing or measuring device contrary to law, or remove any tag placed thereon by the director of trade and commerce or by a city inspector of weights and measures; or who shall sell or offer or expose for sale less than the quantity he represents, or shall take or attempt to take more than the quantity he represents, when, as a buyer, he furnishes the weight, measure, or weighing or measuring device by means of which the amount of commodity is determined; or who shall keep for the purpose of sale, offer or expose for sale, or sell any commodity in a manner contrary to law; or who shall violate any provision of this act for which a specific penalty has not been provided; or who shall sell or offer for sale, or use or have in his possession for the purpose of selling or using any device or instrument to be used to or calculated to falsify any weight or measure, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty dollars nor more than two hundred dollars, or by imprisonment for not more

than three months, or by both such fine and imprisonment, upon a first conviction, in any court of competent jurisdiction; and upon a second or subsequent conviction in any court of competent jurisdiction he shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Sec. 40. Meaning of terms used in act.—The word " person " as used in this act shall be construed to import both the plural and singular, as the case demands, and shall include corporations, companies, societies, and associations.

The words " weights, measures, or (and) weighing or (and) measuring devices," as used in this act, shall be construed to include all weights, scales, beams, measures of every kind, instruments and mechanical devices for weighing or measuring, and any appliances and accessories connected with any or all such instruments.

The words " sell " or " sale " as used in this act, shall be construed to include barter and exchange.

Sec. 41. Inspectors not to be interested in sale of weights, etc.—No person authorized by this act to inspect weights, measures, scales, beams or other measuring devices shall vend any weights, measures, scales, weighing or measuring devices of any kind whatsoever to be used for weighing or measuring, or offer or expose the same for sale, or be interested, directly or indirectly, in the sale of the same.

Sec. 42. Tables of specifications and tolerances.—The department of trade and commerce shall promulgate tables of specifications and tolerances, for the guidance of the local sealers, or inspectors of weights and measures, in conformity with those approved by the National Bureau of Standards, to which all weights, scales, measures, and weighing and measuring devices, used within the State shall conform.

Smith's Revised Stats., 1921, ch. 127, p. 1874.

Sec. 56 (a1921). Rights, powers, and duties of department of trade and commerce.—The department of trade and commerce shall have power: * * *

3. To exercise the rights, powers and duties vested by law in the chief inspector of grain, deputy grain inspectors, deputy chief grain inspector, and the warehouse registrar, the assistant warehouse registrars, State weighmasters, assistant State weighmasters and other officers and employes of the grain inspection service; * * *

6. To execute and administer all laws and regulations now or hereafter enacted, relating to weights and measures;

7. To execute and adminster all laws and regulations now or hereafter enacted, relating to standards of quantity and quality of and for commodities; * * *

Smith's Rev. Stats., 1921, ch. 56½, p. 998.

Sec. 9 (a1917). Misbranded defined.—The term " misbranded," as used herein, shall apply to all articles of food or drink, or articles which enter into the composition of food or drink, the packages or

labels of which bear any statement, design or device regarding such article, or the ingredients or substance contained therein which shall be false or misleading in any particular; and to any such products which are falsely branded as to manufacture, packer or dealer who sells the same or as to the State, Territory or country in which it is manufactured or produced. That for the purpose of this act an article shall also be deemed to be misbranded—

In case of food: * * *

Third. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: *Provided, however*, That reasonable variation shall be permitted and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of section 38 of this act. * * *

Smith's Rev. Stats., 1921, ch. 24, p. 194.

Sec. 65 (a1921).—1. The city council in cities, and the president and the board of trustees in villages, shall have the following powers: * * *

52. To regulate the sale of bread in the city or village; prescribe the weight and quality of bread in the loaf. * * *

54. To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay, and any article of merchandise.

55. To provide for the inspection and sealing of weights and measures.

56. To enforce the keeping and use of proper weights and measures by vendors. * * *

91. To tax, license and regulate * * * public scales * * *.

Smith's Rev. Stats., 1921, ch. 147, p. 2002.

Sec. 44 (1909). Power of municipal authorities to require sales by weight or count.—That the city council in cities, and the president and board of trustees in villages and incorporated towns, shall have power to require all grain, flour, meal, hay, feed, seeds, fruits, nuts, vegetables, and nonliquid vegetable products, meats and non-liquid animal products, fish, butter, cheese and other similar dairy products, dry groceries and all other similar articles of merchandise, or any particular class or classes of such merchandise, in the absence of a contract or agreement in writing to the contrary, to be sold by standard avoirdupois weight or by numerical count.

Laws, 1923, p. 1.

Sec. 1. Standards for agricultural products.—As used in this act, the word "director" means the director of the department of agriculture, and the term "agricultural products" includes all farm, dairy, bee, viticultural and horticultural products. Nothing in this act shall be construed as repealing or in any way modifying any provision of "an act to regulate the grading, packing, branding and sale of apples in closed packages," approved June 27, 1921: *Provided, however*, That apples may be inspected and certificates issued under the provisions of this act in accordance with the standards established by said act.

Sec. 2. Standard containers, hearing on; regulations and tolerances.—In order to promote, protect, further and develop the agricultural interests of this State, the director is hereby authorized, after investigation and public hearing, to fix and promulgate official standards for grading and classifying any or all agricultural products grown or produced in this State, and fix and promulgate official standards for containers of farm products, and to change any of them from time to time. The director shall promulgate regulations prescribing such tolerances as may be deemed necessary permitting such variations from the standards fixed under this act, as are reasonably incident to the proper grading of agricultural products, or to the manufacture of containers for such products.

Sec. 3. Standards to be effective, when.—In promulgating the standards or any alterations or modifications of such standards, the director shall specify the date or dates when the same shall become effective, and shall give public notice not less than thirty days in advance of the date when the standard for any agricultural product shall become effective and one year in advance of the date when a standard for any container shall become effective by such means as he deems proper, and he is hereby authorized to employ reasonable methods for diffusing information concerning the standard that may be fixed by him for any agricultural product or container.

Sec. 4. Fixing standard containers for agricultural products.—The director is authorized to fix and promulgate as the official standard for this State for any agricultural product or container the standard for such product or container which may have been promulgated or announced therefor under the authority of the Congress of the United States, and in carrying out the provisions of this act, the director is authorized to cooperate with the United States or any department thereof in accomplishing the matters and things provided for herein.

Sec. 11. Penalty in re containers not standard.—* * * Whenever any standard for a container for an agricultural product becomes effective under this act, no person thereafter shall manufacture for commerce within the jurisdiction of this State, or sell, ship, or offer for sale in such commerce any container, either filled or unfilled, to which the standard is applicable, which does not comply with such standard subject to such tolerances as may be permitted under this act.

Any person violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars or be imprisoned not more than one year, or both.

Smith's Rev. Stats., 1921, ch. 147, p. 2002.

Sec. 45 (1917). Cotton duck.—That for the purpose of this act cotton duck or canvas shall be deemed to include all cotton duck or canvas, whether single filling, double filling, army, roll or wide duck.

Sec. 46. "Yard" and "ounce" defined.—That for the purpose of this act, the equivalent of thirty-six (36) inches in length by twenty-nine (29) inches in width, or seven and one-fourth (7¼) square feet of cotton duck or canvas shall constitute a yard, and an ounce shall be one-sixteenth part of a pound avoirdupois.

Sec. 47. Weight to be marked.—Any person, firm or corporation who shall manufacture for sale or who may offer or expose for sale any cotton duck or canvas or any article other than clothing and wearing apparel composed or made in whole or in part of cotton duck or canvas, shall distinctly and durably stamp, brand or mark thereon the true and correct weight of such cotton duck or canvas, by ounces per yard, together with a description by name of any filler or other preparations placed in or on said cotton duck or canvas since its manufacture.

Sec. 48. Sale without brand or misrepresenting weight prohibited.—It shall be unlawful for any person, firm or corporation either individually or in any representative capacity, to carry for sale, sell or endeavor to sell any cotton duck or canvas as herein defined, or any articles other than clothing and wearing apparel composed or made in whole or in part of any cotton duck or canvas without having marked thereon the true and correct weight of said canvas, or cotton duck by ounces per yard, together with a description by name of any filler or other preparations placed in or on said cotton duck or canvas since its manufacture, or to misstate, misrepresent or conceal the true weight of said canvas or cotton duck by ounces per yard, or to misstate, misrepresent or conceal the existence of any filler or other preparation placed in or on said cotton duck or canvas since its manufacture.

Sec. 49. Awnings, etc.; misrepresenting dimensions prohibited.—It shall be unlawful for any person, firm or corporation either individually or in representative capacity selling, carrying for sale or endeavoring to sell any awnings, paulins, wagon covers, tent, grain and hay covers, stable or tent tops, to misstate or misrepresent or conceal the true and correct size and dimensions thereof.

Sec. 50. Effacing mark prohibited.—It shall be unlawful for any person to deface, mutilate, obscure, conceal, efface, cancel or remove and mark provided for by this act, or cause or permit the same to be done with the intent to mislead, deceive or to violate any of the provisions of this act.

Sec. 51. Penalty.—Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall for the first offense be punished by a fine of not less than twenty-five dollars ($25) nor more than fifty dollars ($50) and for each subsequent offense by a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100).

Smith's Rev. Stats., 1921, ch. 121½, p. 1742.

Sec. 82 (1917). Term " paint " defined.—The term " paint," as used in this act, shall include white lead in oil or any compound intended for the same use, paste or semipaste, and liquid or mixed paint of any kind ready for use, or any compound intended for the same use.

Sec. 83. Weight or measure to be marked.—* * * The label shall also state, in case of liquid paints, and other compounds, on packages holding one quart or more, the net measure of contents of each can, package or container. In case of white lead and other paints and compounds, the label shall show on packages weighing four pounds or more the net weight of each can, package or container.

Smith's Rev. Stats., 1921, ch. 114, p. 1559.

Sec. 111 (1871). Weighing in—receipt; weighing out—shrinkage; damages; evidence—shortage.—* * * And at the time such grain is received by it for transportation, such corporation [railroad] shall carefully and correctly weigh the same, and issue to the shipper thereof a receipt or bill of lading for such grain, in which shall be stated the true and correct weight.

And such corporation shall weigh out and deliver to such shipper, his consignee or other person entitled to receive the same, at the place of delivery, the full amount of such grain, without any deduction for leakage, shrinkage or other loss in the quantity of the same.

In default of such delivery, the corporation so failing to deliver the full amount of such grain shall pay to the person entitled thereto the full market value of any such grain not delivered at the time and place when and where the same should have been delivered.

If any such corporation shall, upon the receipt by it of any grain for transportation, neglect or refuse to weigh and receipt for the same, as aforesaid, the sworn statement of the shipper, or his agent having personal knowledge of the amount of grain so shipped, shall be taken as true, as to the amount so shipped; and in case of the neglect or refusal of any such corporation, upon the delivery by them of any grain, to weigh the same, as aforesaid, the sworn statement of the person to whom the same was delivered, or his agent having personal knowledge of the weight thereof, shall be taken as true, as to the amount delivered. And if, by such statements, it shall appear that such corporation has failed to deliver the amount so shown to be shipped, such corporation shall be liable for the shortage, and shall pay to the person entitled thereto the full market value of such shortage, at the time and place when and where the same should have been delivered.

* * * * * * *

Sec. 205. Examination of grain and scales; incorrect scales.—All persons owning property, or who may be interested in the same, in any public warehouse, and all duly authorized inspectors of such property, shall at all times, during ordinary business hours, be at full liberty to examine any and all property stored in any public warehouse in this State, and all proper facilities shall be extended to such person by the warehouseman, his agents and servants, for an examination; and all parts of public warehouses shall be free for the inspection and examination of any person interested in property stored therein, or of any authorized inspector of such property. And all scales used for the weighing of property in public warehouses shall be subject to examination and test by any duly authorized inspector or sealer of weights and measures, at any time when required by any person or persons, agent or agents, whose property has been or is to be weighed on such scales—the expense of such test by an inspector or sealer to be paid by the warehouse proprietor if the scales are found incorrect, but not other-

wise. Any warehouseman who may be guilty of continuing to use scales found to be in an imperfect or incorrect condition by such examination and test, until the same shall have been pronounced correct and properly sealed, shall be liable to be proceeded against as hereinafter provided.

Sec. 223 (1883). Weighmaster, appointment of.—That there shall be appointed by the railroad and warehouse commissioners in all cities where there is State inspection of grain, a State weighmaster[3] and such assistance as shall be necessary.

Sec. 224. Duties of.—Said State weighmaster and assistants shall, at the places aforesaid supervise and have exclusive control of the weighing of grain and other property which may be subject to inspection, and the inspection of scales and the action and certificate of such weighmaster and assistants in the discharge of their aforesaid duties shall be conclusive upon all parties in interest.

Sec. 225. Fix fees.—The board of railroad and warehouse commissioners shall fix the fees to be paid for the weighing of grain or other property, which fees shall be paid equally by all parties interested in the purchase and sale of the property weighed, or scales inspected and tested.

Sec. 226. Weighmaster—qualifications, bond, compensation.—Said State weighmaster and assistants shall not be a member of any board of trade or association of like character; they shall give bonds in the sum of five thousand dollars ($5,000) conditioned for the faithful discharge of their duties, and shall receive such compensation as the board of railroad and warehouse commissioners shall determine.

Sec. 227. Rules and regulations for weighing grain.—The railroad and warehouse commissioners shall adopt such rules and regulations for the weighing of grain and other property as they shall deem proper.

Sec. 228. Neglect of duty; penalty.—In case any person, warehouseman or railroad corporation, or any of their agents or employees, shall refuse or prevent the aforesaid State weighmaster or either of his assistants from having access to their scales, in the regular performance of their duties in supervising the weighing of any grain or other property in accordance with the tenor and meaning of this act they shall forfeit the sum of one hundred dollars ($100) for each offense, to be recovered in an action of debt, before any justice of the peace, in the name of the people of the State of Illinois; such penalty or forfeiture to be paid to the county in which the suit is brought, and shall also be required to pay all costs of prosecution.

Sec. 229 (1887). Weighing grain at transfer points.—That in all counties of the third class, and in all cities having not less than 50,000 inhabitants, where bulk grain, millstuffs or seeds are delivered by any railroad transporting the same from initial points to another road for transportation to other points, such road or roads receiving the same for transportation to said points or other connections leading thereto, shall provide suitable appliances for unloading, weighing and transferring such property from one car to another without mixing or in any way changing the identity of

[3] Offices of State weighmasters and assistant State weighmasters abolished. Rights, powers, etc., transferred to department of trade and commerce.

the property so transferred, and such property shall be accurately weighed in suitably covered hopper scales, which will determine the actual net weight of the entire contents of any carload of grain, millstuffs or seeds at a single draft, without gross or tare, and which weights shall always be given in the receipts or bills of lading and used as the basis of any freight contracts affecting such shipments between such railroad companies and the owners, agents or shippers of such grain, millstuffs or seeds so transported and transferred.

Sec. 230. Weighing and transferring in transit.—The practice of loading grain, millstuffs or seeds into foreign or connecting-line cars at the initial point from which the grain, millstuffs or seeds are originally shipped, or the running of the original car through without transfer, shall not relieve the railroad making the contract to transport the same to its destination or connection leading thereto, from weighing and transferring such property in the manner aforesaid, unless the shipper, owner or agent of such grain, millstuffs or seeds shall otherwise order or direct.

Smith's Rev. Stats., 1921, ch. 38, p. 612.

Sec. 259 (1845). False weights and measures.—If any person shall knowingly sell by false weights or measures, or shall knowingly use false measures at any mill, in taking toll for grinding corn, wheat, rye, or other grain, he shall be deemed a common cheat, and, on conviction, shall be fined not less than $200, and imprisoned not exceeding three months.

Smith's Rev. Stats., 1921, ch. 111⅔, p. 1522.

Sec. 52 (a1921). Weighing of cars and freight; testing railroad weights and scales.—* * * The commission [Illinois Commerce Commission] shall have power to enforce reasonable regulations for the weighing of cars, and of freight offered for shipment over any line of railroad, and to test the weights made by any railroad and scales used in weighing freight on cars.

Sec. 54. Standards of service; examinations and tests.—The commission shall have power to ascertain, determine and fix for each kind of public utility suitable and convenient standard commercial units of service, product or commodity, which units shall be lawful units for the purposes of this act; to ascertain, determine and fix adequate and serviceable standards for the measurements of quantity, quality, pressure, initial voltage or other condition pertaining to the performing of its service or to the furnishing of its product or commodity, by any public utility, and to prescribe reasonable regulation for examining, measuring and testing such service, product or commodity, and to establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for examining, measuring, or testing such service, product or commodity. The commission may purchase such materials, apparatus and standard measuring instruments as it deems necessary to carry out the provisions of this section.

The commission shall provide for the inspection of the manner in which every public utility conforms to the reasonable regulations prescribed by the commission for examining, measuring and testing its service, product or commodity, and the commission may supple-

ment such inspections by examining, measuring and testing the service, product or commodity of any public utility. Any consumer or user may have tested any appliance for examining, measuring or testing any such service, product or commodity upon payment of the fees fixed by the commission. The commission shall declare and establish reasonable fees to be paid for examining and testing such appliances on the request of consumers or users, the fee to be paid by the consumer or user at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the measuring appliance be found unreasonably defective or incorrect to the disadvantage of the consumer or user.

The commission, its officers, agents, experts or inspectors and employees shall have power to enter upon any premises occupied by any public utility for the purpose of making the examinations and tests provided in this act, and to set up and use on such premises, any apparatus and appliances and occupy reasonable space therefor.

Sec. 55. Reading of meters.—The commission shall require that every public utility furnishing natural or artificial gas, electricity or water to the public, where the individual consumption is measured by meter, shall, upon written request of any consumer, cause the meter reader at the time of reading such consumer's meter to leave at such meter a card showing the present reading of the meter, the last previous reading, and the dates of such two readings.

Smith's Rev. Stats., 1921, ch. 56½, p. 998.

Sec. 56 (a1915). Concentrated commercial feeding stuffs, net weight to be marked.—Every lot or parcel of concentrated commercial feeding stuffs, as defined in section 2 of this act, used for feeding livestock or poultry, sold or offered or exposed for sale within this State, shall have affixed thereto, in a conspicuous place on the outside thereof, a plainly printed statement in the English language clearly and truly certifying—

(*a*) The net weight of the contents of the package, lot or parcel;

(*b*) The name, brand or trade-mark;

(*c*) The name and principal address of the manufacturer, or the person or persons responsible for placing the commodity on the market; * * *

Smith's Rev. Stats., 1921, ch. 5, p. 27.

Sec. 47 (1885). Fertilizer, net weight to be marked.—That any person or company who shall offer, sell or expose for sale in this State, any commercial fertilizer, the price of which exceeds five dollars a ton, shall affix to every package, in a conspicuous place on the outside thereof, a plainly printed certificate, stating the number of net pounds in the packages sold or offered for sale, * * *

Smith's Rev. Stats., 1921 ch. 56½, p. 998.

Sec. 20 (a1911). Instruments for measuring milk and cream standards.—The State standard milk measure or pipettes shall have for milk a capacity of seventeen and six-tenths cubic centimeters, and the State standard test tube or bottles for milk shall have a capacity of two cubic centimeters at a temperature of sixty degrees Fahrenheit between " zero " and ten on the graduated scale marked on the necks thereof. For cream nine or eighteen grams shall be used,

and the standard test tubes or bottles for cream shall have a capacity of three or six cubic centimeters respectively at a temperature of sixty degrees Fahrenheit between "zero" and thirty on the graduated scale marked on the necks thereof, and it is hereby made a misdemeanor to use any other measure, pipette, test tube or bottle to determine the per cent of butter fat where milk or cream is purchased by, or furnished to creameries or cheese factories, and where the value of said milk is determined by the per cent of butter fat contained in the same. Any manufacturer, merchant, dealer, or agent in this State who shall offer for sale or sell a cream or milk pipette or measure, test tube or bottle which is not correctly marked or graduated as herein provided, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in this act.

Sec. 21. License for using milk tester.—No person shall operate a milk or cream testing apparatus to determine the percentage of butter fat in milk or cream for the purpose of purchasing the same either for himself or for another without first securing a license from the dairy and food commissioners of this State, authorizing such person to operate such tester. Any person desiring to secure such license shall make application therefor on a blank to be prepared and provided by the dairy and food commissioner, and such applicant, before being issued such license, shall pass a satisfactory examination in person and prove by actual demonstration that he is competent and qualified to properly use such tester and make an accurate test with the same.

Such license shall be issued for a period of two (2) years from and after the date of its issuance and a fee of one ($1.00) dollar shall be paid for such license by the licensee upon the issuance thereof. The dairy and food commissioner for just cause shall have authority to revoke any license issued under the provisions of this act.

The fees collected under the provisions of this section shall be paid into the State treasury monthly by the dairy and food commissioner.

Sec. 22 (a1917). Testing milk and cream by department of agriculture.—A buyer of milk or cream buying of the producer on a butterfat basis, shall, in the presence of the producer or his agent, after having been petitioned in writing by one or more of its patrons so to do, take a fair sample of the producer's milk, of not less than two (2) ounces, and immediately deliver the same to the producer or his agent in a sealed receptacle to be furnished by the department of agriculture suitable for mailing or expressing. The receptacle shall be plainly marked with the producer's factory number and the name of the producer, and may be mailed or expressed by the producer or his agent to the department of agriculture for test.

The departmend [department] of agriculture shall receive and make prompt analysis of all such samples of milk or cream, wash and sterilize the containers, and return to the plant or person from whom received, the producer to pay the transportation charges.

The department of agriculture shall, not later than the fifth day of each month, mail to the buyer a tabulated sheet, showing the result of each individual producer's test, for the preceding month, the average of which shall be the basis of settlement between the buyer and individual producer.

The department of agriculture shall, not later than the eighth day of each month, mail to the individual producer at his post office address, the result of each of his tests for the preceding month.

Samples of milk or cream, for the purpose of this act, shall be taken out not less than two (2), or more than four (4) times during each monthly period at the option of the buyer.

It shall be unlawful for the owner, manager, agent or any employee of a creamery or cheese factory, to manipulate, underread or overread the Babcock test, or any other contrivance used for determining the quality or value of milk or cream, or to falsify the record thereof, or to pay for such milk or cream on the basis of any measurement except the true measurement as thereby determined.

Smith's Rev. Stats., 1921, ch. 92, p. 1260.

Sec. 6 (1872). Duty of miller; toll.—The owner or occupier of every public grist mill within this State shall grind the grain brought to his mill as well as the nature and condition of his mill will permit, and in due turn as the same shall be brought, and may take for the toll, if a water mill or steam mill, for grinding and bolting wheat, rye, or other grain, one-eighth part; for grinding Indian corn, oats, barley and buckwheat, or other grain not required to be bolted, one-seventh part; for grinding malt, and chopping all kinds of grain, one-eighth part.

Sec 7. Miller to keep measures and toll dishes or scales.—It shall be the duty of each and every owner and occupier of every public mill, to give due and punctual attendance, when his mill shall not be out of repair, and to aid and assist in loading and unloading all grain which shall be brought to him to be ground. And he shall keep in his mill an accurate half-bushel measure, and an accurate set of toll dishes or scales for weighing the grain. And for a failure to perform any of the duties required by this act every occupier of a public mill shall forfeit and pay the sum of five dollars to the use of any person who shall sue for the same.

Smith's Rev. Stats., 1921, ch. 93, p. 1262.

Sec. 5, as amended by Laws, 1925, H. B. 478, p. 468. Sealer of weights; test weights.—(*j*) State inspectors [of mines] are hereby made ex officio sealer of weights and measures in their respective district, and as such are empowered to test all scales used to weigh coal at coal mines. Upon the written request of any mine owner or operator, or of ten coal miners employed at any one mine, it shall be the duty of the inspector to test any scale or scales at such mine against which complaint is directed, and if he shall find that they or any of them do not weigh correctly, he shall call the attention of the mine owner or operator to the fact, and direct that said scale or scales be at once overhauled and readjusted so as to indicate only true and exact weights, and he shall forbid the further operation of such mine until such scales are adjusted. In the event that such tests shall conflict with any test made by any county sealer of weights, or under and by virtue of any municipal ordinance or regulation, then the test by such mine inspector shall prevail.

(*k*) For the purpose of carrying out the provisions of this act, each State inspector shall be furnished by the State with a complete set

of standard weights suitable for testing the accuracy of tract [track] scales and of all smaller scales at mines, said test weights to be paid for on bills of particulars, certified by the secretary of state and approved by the governor. Such test weights shall remain in the custody of the inspector for use at any point within his district, and for any amounts expended by him for the storage, transportation or handling of the same, he shall be fully reimbursed upon making entry of the proper items in his expense voucher.

Sec. 26 (a1919). Operator to provide scales; weighman; check weighman.—(*a*) The operator of every coal mine where miners are paid by the weight of their output, shall provide at such mine suitable and accurate scales for the weighing of such coal, and a correct record shall be kept of all coal so weighed, and said record shall be open at all reasonable hours to the inspection of miners and others interested in the product of said mine. The operator shall provide at such mine not less than one thousand (1,000) pounds of Uniter [United] States standard weights.

(*b*) The person authorized to weigh the coal and keep the record as aforesaid shall be a citizen of the United States, and shall, before entering upon his duties, make and subscribe to an oath before some persons duly authorized to administer oaths, that he will accurately weigh and carefully keep a true record of all coal weighed, and such affidavit shall be kept conspicuously posted at the place of weighing.

(*c*) The miners at work in any coal mine may employ a check weighman at their option and at their own expense, whose duty it shall be to balance the scales and see that the coal is properly weighed, and that a correct account of the same is kept, and for this purpose he shall have access at all times to the beam box of said scales, and be afforded every facility for verifying the weights while the weighing is being done. The check weighman so employed by the miners shall be a citizen of the United States, and, before entering upon his duties, shall make and subscribe to an oath before some person duly authorized to administer oaths, that he will faithfully discharge his duties as check weighman, and such oath shall be kept conspicuously posted at the place of weighing.

INDIANA

Acts 1925, ch. 86, p. 247.

Sec. 1. Standard weights and measures.—That the standard weights and measures furnished by the Government of the United States in accordance with the joint resolution of Congress, approved June 14, 1836, and any additions thereto and renewals thereof certified to by the United States Bureau of Standards, and such weights, measures, balances and apparatus as may be added by the State commissioner of weights and measures and verified by the United States Bureau of Standards, shall be the standards by which all State, county and city standards shall be tried, proved and sealed.

Sec. 2. Commissioner of weights and measures; duties; regulations and tolerances.—The State food and drug commissioner shall be the State commissioner of weights and measures. The State commissioner of weights and measures shall take charge of the standards adopted by this act as the standards of the State; cause them to be kept in a fireproof building belonging to the State, from which they shall not be removed except for repairs or for certification, and take all other necessary precautions for their safe keeping. He shall maintain the State standards in good order and shall submit them once in ten years to the National Bureau of Standards for certification. He, or his deputies or inspectors by his direction, shall correct the standards of the several cities and counties, and as often as once in two years compare the same with those in his possession, and where not otherwise provided by law he shall have the general supervision of the weights, measures and measuring and weighing devices of the State, and in use in the State. The State commissioner of weights and measures is also authorized to adopt rules, specifications and tolerances necessary for the enforcement of the provisions of this act, and the violation of such rules, specifications and tolerances shall be punished, upon conviction, as set forth in section 15 of this act. He, or his deputies shall, upon the written request of any citizen, firm, corporation or institution of the State, test or calibrate weights, measures, weighing or measuring devices and instruments or apparatus used as standards in this State. He, or his deputies or inspectors by his direction, shall at least once annually test all scales weights and measures and devices used in checking the receipt or disbursement of supplies in every institution under the jurisdiction of the State board of charities and he shall report in writing his findings to the executive officer of the institution concerned. The State commissioner of weights and measures shall keep a complete record of the standards, balances and other apparatus belonging to the State and take a receipt for the same from his successor in office; he shall, annually, on or before the first day of December, make to the governor a report of the work done by his office; he, or his deputies or inspectors at his direction, shall at least once in two years

visit the various cities and counties of the State which have appointed sealers of weights and measures in order to inspect the work of the local sealers, and in the performance of such duties he may inspect the weights, measures, balances or any other weighing or measuring appliances of any person, firm or corporation. The State commissioner of weights and measures shall issue from time to time regulations for the guidance of State, county and city sealers or inspectors and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties.

Sec. 3. County inspector of weights and measures; appointment, removal, compensation; district inspectors.—The board of commissioners of every county of thirty thousand population or more shall, and the board of commissioners of any county of less than thirty thousand population may appoint a county inspector of weights and measures. No person shall be appointed as a county inspector of weights and measures in any county unless such person shall have been approved by the State commissioner of weights and measures, and no county inspector of weights and measures in any county shall be removed by the board of commissioners without the approval and consent of the State commissioner of weights and measures. The compensation of a county inspector of weights and measures in counties of thirty thousand population or more shall be not less than twelve hundred dollars ($1,200) per year, and in counties having a population of less than thirty thousand, the compensation of the county inspector of weights and measures shall be not to exceed five dollars per day, to be determined by the board and to be paid out of the county treasury: *Provided, however*, That is shall not be obligatory upon the board of county commissioners of such counties containing a city or cities of the first, second or third class which are already provided with an inspector of weights and measures or city sealers, to make such appointments. The board shall provide the necessary apparatus and supplies for the said inspector of weights and measures and the county councils of such counties shall appropriate such sums of money as are necessary for the salary and maintenance of the office. Two or more adjoining counties, by appropriate action of the boards of commissioners of such counties, may form an inspection district, and provide by mutual agreement, for the appointment of a district inspector of weights and measures. The compensation of such inspector shall not exceed five dollars per day and expenses, and the salary and expenses so paid and incurred shall be apportioned among the counties forming the district in proportion to the population thereof.

Sec. 4. City inspector of weights and measures; appointment, removal, and compensation.—The common council of every city of the first, second and third class shall provide for the appointment by the commissioners of the public safety, commonly known as the board of public safety, of an inspector of weights and measures and provide for his compensation and for the necessary apparatus and expenses to be paid out of the city treasury. The said inspector of weights and measures shall serve continuously during good behavior under the provisions of section 160 of an act concerning municipal corporations, approved March 6, 1905, governing the fire and police force, and said inspector of weights and measures shall

not be removed for any political reason and only for good and sufficient cause after an opportunity for hearing is given by the said commissioner of public safety: *Provided, however*, That such provision shall not affect the power of the State commissioner of weights and measures to discharge county or city inspectors of weights and measures as set forth in section 6 of this act. No person shall be appointed as a city inspector of weights and measures in any city unless such person shall have been approved by the State commissioner of weights and measures and no such city inspector of weights and measures shall be removed without the approval and consent of the State commissioner of weights and measures. If deemed desirable or advantageous, the same person may be employed as a city and county inspector of weights and measures, and if the same person be so employed the compensation and expenses of such inspector shall be divided between the city and the county, as agreed upon. The compensation of such an inspector of weights and measures shall not be less than fifteen hundred dollars ($1,500) per annum in the case of cities of the first class, and not less than twelve hundred dollars ($1,200) per annum in case of cities of the second and third class.

Sec. 5. Inspectors; duties; bond.—The county or city inspector of weights and measures when appointed shall be a deputy inspector under the direction of the State commissioner of weights and measures. He shall take charge of and safely keep the county or city standards. When not otherwise provided by law, the county or city inspector of weights and measures shall have the power within his county or city to inspect, test, try and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments or mechanical devices for measurement and the tools, appliances or accessories, connected with any or all such instruments or measurements used or employed within the county or city by any proprietor, agent, lessee or employee in determining the size, quantity, extent or measurement of quantities, things, produce, articles for distribution or consumption offered or submitted by such person or persons for sale, for hire or award. He shall at least once in each year and as much oftener as he may deem necessary see that the weights, measures and all apparatus used in the county or city are correct. The county or city inspector of weights and measures shall keep a complete record of the work done by him and shall make a monthly and annual report to the State commissioner and his board of county commissioners or to the mayor; the annual report shall be duly sworn and submitted to the State commissioner of weights and measures, not later than the fifteenth of October. The county or city inspector of weights and measures shall forthwith on his appointment give a bond with sureties to be approved by the appointing power for the faithful performance of the duties of his office for the safety of the local standards and such appliances for verification as are committed to his charge and for the surrender thereof immediately to his successor in office or to the person appointed by the proper authority to receive them. The county inspector of weights and measures shall have jurisdiction over the whole county except as to incorporated cities which have provided for a city inspector of weights and measures under the

provisions of this act. This act shall apply to the sealers or inspectors of weights and measures heretofore appointed under any State law or city ordinance, and such sealer or inspector shall be continued in office as inspector of weights and measures under the provisions of this act for the respective county, counties, city or cities.

Sec. 6. Inspectors; qualifications; removal; appeal.—Only those persons shall be eligible to appointment to the position of county or city inspectors of weights and measures who at the time of the passage of this act are county or city sealers or inspectors of weights and measures or who have passed an examination which shall be given by the State commissioner of weights and measures to test the ability of the person so examined to perform satisfactorily the duties of a county or city inspector of weights and measures. If it is evident to the State commissioner of weights and measures that any county or city inspector of weights and measures is not properly and faithfully performing the duties of his office, the State commissioner of weights and measures shall have power to discharge such county or city inspector of weights and measures. Such removal, however, shall not be made until five days' notice of the charge or charges shall have been mailed to him by said commissioner, naming a time and place for a hearing, not less than two weeks later than the time of mailing such notice to said county or city inspector of weights and measures: *Provided, however*, That any county or city inspector of weights and measures so removed by the State commissioner of weights and measures, shall have the right to appeal from the action of said commissioner to the circuit or superior court of the county in which such county or city inspector of weights and measures resides, and during the pendency of such appeal, such county or city inspector of weights and measures may serve in his official capacity. Any county or city inspector of weights and measures discharged as herein provided, shall be ineligible to hold the position of county or city inspector of weights and measures for four years, and the vacancy shall be filled by the proper authorities, as provided in this act.

Sec. 7. Scales and measures.—Whenever the inspector of the city or county or the State commissioner or his deputies or inspectors tests and compares scales, weights, measures or weighing or measuring devices and finds that they correspond with the standards in his possession he shall seal and mark such scales, weights, measures or weighing and measuring devices by stamping upon them the letters "Ind. S.," meaning Indiana standard, and the last two figures of the year in which the same is done; if any scales, weights, measures, or weighing or measuring devices, or parts thereof, be found not to conform to the legal standard the same may be tagged by the inspector "condemned until repaired" which tag shall not be removed until said apparatus is properly repaired; if said scales, weights, measures, or weighing or measuring devices, or parts thereof are found to be false and fraudulent, or cannot be made to conform to the legal standard, the same shall be condemned and confiscated by said inspector.

Sec. 8. Police powers; seizure of scales and measures.—The commissioner of weights and measures, his deputies and inspectors, and the county and city inspectors of weights and measures, are hereby made

special policemen and are authorized and empowered to arrest without formal warrant for any violation of the statutes in relation to scales, weights and measures, and to seize and use for evidence and without formal warrant any false weight, scales, measure, or weighing or measuring device, or packages or amounts of commodities found to be used, retained or offered or exposed for sale or sold in violation of law.

Sec. 9. Right of entry; penalties.—The State commissioner of weights and measures, his agents, deputies or inspectors, and the county and city inspectors of weights and measures may for the purpose of enforcing this act, and in the general performance of their official duties, enter or go into or upon without formal warrant, any stand, place, building or premises, or may stop any vender, peddler, junk dealer, coal wagon, ice wagon, or any dealer whatsoever, for the purpose of making the proper test and for the purpose of ascertaining the proper weights and measures of all commodities found therein or thereon. Whenever the State commissioner of weights and measures, his agents, deputies or inspectors, or the county and city inspectors of weights and measures find a violation of the statutes relating to weights and measures, he shall cause the violator to be prosecuted.

Any person who shall molest, hinder or obstruct in any way the State commissioner of weights and measures, his agents, deputies or inspectors, or any county or city inspector of weights and measures in the performance of his official duties hereunder, shall be guilty of a misdemeanor, and shall be punished upon conviction thereof in any court of competent jurisdiction by a fine of not less than ten dollars ($10) nor more than two hundred dollars ($200) to which may be added imprisonment in the county jail for not more than ninety days.

Sec. 10. Commodities; standard weight and measure.—All commodities shall be sold by standard weight or measure except as otherwise provided in this act: *Provided, however*, That the provisions of this section shall not apply to commodities which are usually and customarily sold by numerical count, or in gross, or are sold in packages prepared and put up for sale: *Provided*, That all commodities packed in such packages shall be so marked as to plainly indicate the net contents in terms of weight, measure or numerical count: *Provided, also*, That two thousand pounds net avoirdupois shall constitute a ton.

Sec. 11. False scales and measuring devices.—No person, firm or corporation shall use or retain in his possession any false scales, weights, or measures or measuring device or any weight or measure or weighing or measuring device in the buying or selling of any commodity or thing or in calculating or measuring service, or dispose of any condemned scales, weights, measure or weighing or measuring device, except in accordance with such rules, specifications and tolerances as may be adopted by the State commissioner of weights and measures, as provided in section 2 of this act, or remove any tag, stamp or mark placed thereon by the inspector; and no person, firm or corporation shall sell or offer or expose for sale or deliver less than the quantity he represent; or sell, offer for sale or have in his possession for the purpose of selling any false scales, weight or measure or any device or instrument to be used or calculated to falsify any weight or measure.

Sec. 12. Sale by weight or numerical count; standard containers.—All commodities shall be offered for sale or sold upon the basis of avoirdupois net weight or by numerical count only, and it shall be unlawful for anyone to use or employ any dry capacity measure, basket, barrel or container of any kind as a means of determining the amounts or quantities of any commodities offered for sale, or sold: *Provided, however*, That the provisions of this act shall not be construed to apply to fruits and vegetables sold in the original standard container, nor to vegetables which by common custom are offered for sale, or sold by the bunch; nor shall the provisions of this act be construed to apply to fresh berries and to other small fruits which are customarily offered for sale, and sold by the box, basket or other receptacle, except, however, when such fresh berries or such other small fruits are offered for sale, or sold in bulk, in which case the provisions of this act shall apply to the extent that such fresh berries and such other small fruits shall be offered for sale, and sold by avoirdupois net weight only: *Provided, further, however*, That all fresh berries and such other small fruits when offered for sale or sold shall be so offered or sold in boxes, baskets or receptacles of uniform size to hold one quart or one pint dry measure only, which said boxes, baskets or other receptacles shall be uniformly and evenly filled throughout.

The term "commodities" as used in this section shall be construed to mean commodities or articles other than liquids, which are capable of being measured by dry capacity measure.

The term "original standard container" as used in this section shall be construed to mean and include only barrels, boxes, baskets, hampers, or similar containers the dimensions or capacity of which is established by law of this State or by act of Congress, the contents of which have not been removed or repacked, and upon which is plainly and conspicuously marked the net quantity of contents thereof in terms of weight, measure or numerical count.

Sec. 13. Weighmasters; appointment and duties.—The State commissioner of weights and measures upon application of any county, city, town, corporation, individual, firm, association or institution may designate one or more employees or some other suitable person or persons, to act as weighmaster for such county, city, town, corporation, individual, firm, association or institution. Such weighmaster shall be appointed for a specified term and shall, before entering upon his duties, make oath faithfully to execute his trust as weighmaster. Said commissioner of weights and measures shall issue and keep record of a certificate of appointment which shall designate the location of said scale or scales or measuring devices to be operated by said weighmaster. The rights and duties of weighmasters shall be prescribed by said State commissioner and such weighmasters shall not receive compensation from the State for duties so performed. Any weighmaster who misrepresents the quantity of commodities weighed or measured by him, or otherwise misconducts himself in the execution of his duties of weighmaster shall be guilty of a misdemeanor and upon conviction, shall be punished as set forth in section 15 of this act and shall forfeit his certificate as weighmaster.

Sec. 14. Definition of terms.—The word "person" as used in this act shall be considered to include also firm, copartnerships, or cor-

porations. The term "device" or "devices" as used in this act shall be construed to include all weights, scales, beams, mechanical devices or other instruments. The word "sell," "sale" or "buy" as used in this act shall be construed to include barter and exchange.

Sec. 15. Penalties.—Except where a specific penalty is otherwise provided, any person, firm, copartnership or corporation who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall, for a first offense, be fined in any sum not less than ten dollars ($10) and not more than one hundred dollars ($100), to which may be added imprisonment for a term of not to exceed three months, and for a second or other subsequent offense shall be punished by a fine of not less than twenty dollars ($20) and not more than five hundred dollars ($500), to which may be added imprisonment for a term of not more than six months.

Sec. 17. Constitutionality.—That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment has been rendered.

Burns' Ann. Stats., Suppl. 1921, ch. 133, p. 2257.

Sec. 10525k (1917). Articles to be sold by weight.—That all articles hereinafter mentioned when sold shall be sold by avoirdupois weight or numerical count, to wit: Apples, grapes, peaches, pears, plums, quinces, cranberries, prunes, raisins, dates, figs, dried apples, dried peaches, apricots, rice, beans, green beans, carrots, onions, parsnips, potatoes, sweet potatoes, tomatoes, turnips, beets, peas, green peas, cabbage, cauliflower, endive, lettuce, spinach, sauerkraut, barley, bran, buckwheat, corn in ear, shelled corn, corn meal, flour, wheat, rye, oats, sweet corn in ear, shelled sweet corn, hominy, dried sweet corn, popcorn in ear, shelled popcorn, bluegrass seed, broom corn seed, canary seed, cotton seed, clover seed, timothy seed, hemp seed, malt, millet, onion sets, orchard grass seed, rape seed, red top seed, English walnuts, black walnuts, hickory nuts, Brazil nuts, pecans, almonds, filberts, ice, coal, coke, lime, salt, sugar, tea, coffee, bulk spices, cheese, butter, oleomargarine, lard, fresh and salt meats, fish, game, fowls, chopped feed, candy and other commodities usually and customarily sold by weight: *Provided*, That nothing in this section shall apply to seeds in sealed packages: *And further provided*, That the provisions of this section shall not apply to the sale of articles where both buyer and seller in writing agree to other methods of sale: *And provided further*, That nothing in this act shall be construed to apply to the original producer of foodstuffs delivering from house to house direct from the source of production, or delivering at the source of production.

Sec. 10525l. Exceptions.—Fresh vegetables which are customarily sold by the bunch, such as young onions, radishes, celery and watercress; fresh berries, customarily sold by the box as hereinafter provided, such as strawberries, raspberries, blackberries and currants, shall not be included in the provisions of this law. All fresh berries, such as strawberries, raspberries and currants sold or offered

for sale by any person, firm or corporation, shall be sold by avoirdupois net weight, or in uniform sized baskets, boxes or other receptacles containing one quart, or one pint standard dry measure and in no other way and the said receptacles shall be uniformly and evenly filled throughout.

Sec. 10525m. Penalty.—That whoever by himself, his servant, or agent, or as the servant or agent of another person sells or offers for sale any article enumerated in this act in any other manner than provided by this act shall be deemed guilty of a misdemeanor and upon conviction thereof, shall for the first offense be punished by a fine of not less than ten dollars ($10.00) nor more than thirty dollars ($30.00); for the second offense, by a fine of not less than twenty-five dollars ($25.00) nor more than one hundred ($100.00); and for the third and subsequent offenses, by a fine of one hundred dollars ($100.00) and imprisonment in the county jail for not less than thirty (30) nor more than ninety (90) days.

Sec. 10525n. Exemptions from act.—Apples sold by the standard United States apple barrel[1] of seven thousand fifty-six (7,056) cubic inches, or by the standard apple box of the following dimensions, to wit: Sixteen and one-half inches deep (16½), eleven and one-half inches wide (11½) and eighteen inches long (18), inside measurement; and cranberries sold by the United States standard cranberries [cranberry] barrel shall be exempted from the provisions of this act.

Sec. 10525o (1921). Use of false scales, weights, and measuring devices; penalty.—Any person, firm or corporation engaged in the business of buying grain, livestock, feed, junk, or other commodity, who shall have in his or their possession for use in such business, or shall use, any false scales, weights or measuring devices or weighing devices, or any person, firm or corporation who by himself or themselves, or by his agent or their agent, shall buy or offer to buy or accept any livestock, grain, feed, junk or other commodity weighed or measured by such false weighing or measuring device, or any grain, livestock, feed, junk or other commodity which has been made subject to any false representation or manipulation of its true weight or measure, shall be guilty of a misdemeanor and upon conviction in any court of competent jurisdiction shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, to which may be added imprisonment in the county jail for not more than three months, upon first conviction; and upon second or subsequent conviction shall be punished by a fine of not less than twenty dollars nor more than five hundred dollars to which may be added imprisonment in the county jail for not more than six months.

Sec. 10525p. Enforcement of act.—It shall be the duty of the State commissioner of weights and measures, his deputies, State, city and county sealers, and inspectors of weights and measures to enforce the provisions of this act; and said commissioner, his deputies, State[,] city and county sealers and inspectors of weights and measures are hereby authorized to exercise all police powers already conferred upon them by existing State laws pertaining to weights and measures for the purpose of such enforcement.

Sec. 10525q. Act supplemental.—This act shall be construed to supplement existing laws pertaining to and governing weights and

[1] See p. 19.

measures in the State of Indiana and shall not be construed as repealing any such laws.

Burns' Ann. Stats., 1914, Vol. 4, ch. 133, p. 1106.

Sec. 10518 (1852). County board to procure standards.—Each board of county commissioners shall procure a set of the following measures and weights: One measure of one foot, or twelve inches, English measure, so-called; also one measure of three feet, or thirty-six inches, as aforesaid; also one half-bushel measure (which shall contain one thousand and seventy-five and one-fifth solid inches), and one gallon measure (which shall contain two hundred and thirty-one solid inches), which measures are to be of wood or of any metal the court may think proper; also one set of weights commonly called avoirdupois weights; which weights and measures shall be sealed with the name or initial letters of the county, and shall be kept by the county auditor, for the purpose of trying and sealing the weights and measures used in his county.

Sec. 10519. Notice; auditor's duty; sealing.—As soon as such board of county commissioners shall have furnished the set of weights and measures as aforesaid, it shall cause notice thereof to be given, at the courthouse door, for one month; and any person desirous of having his weights and measures tried by the county standard shall apply to the county auditor of the county in which he shall live, and if they correspond with the standard, the county auditor shall seal them with the seal provided for that purpose.[2]

Sec. 10522 (1885). Standard bushel to be a legal tender.—All the different kinds of grain, seeds and articles specified in this act[3] shall hereafter be given and taken at the several weights affixed to each as a standard bushel, and as such shall be considered a legal tender to fulfill any contract made for the delivery of either of the kinds of grain, seeds or articles specified in this act.

Sec. 10523 (1897). Wheat, how measured.—That it shall be unlawful for any person, commission merchant, miller, dealer, grain inspector, corporation, company, firm or association, either by himself, itself, officer, agent or employe, when purchasing wheat or receiving it in barter or exchange for flour or otherwise, from the owner, his agent or employe, to use for the purpose of testing or determining the weight, grade, milling or market value of wheat any measure other than the standard half-bushel measure furnished this State by the United States, and the use of any fractional part of said standard half-bushel measure for such purpose will be a violation of this section.

Sec. 10524. Manner of measuring.—It shall be unlawful to use anything other than a straight stick with the edges square for leveling the wheat in said half-bushel measure, for the purpose of testing the weight, grade, milling or market value of wheat: *Provided*, That the provisions of this act shall not apply to wheat or grain that is inspected or graded by the car load under the regulations of any board of trade.

Sec. 10525. Violation of act; penalty.—Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon con-

[2] Secs. 10520 and 10521 are the same as sec. 2609, which see.
[3] See sec. 2609 for weights specified for grain.

viction, shall be fined in any sum not more than one hundred dollars nor less than ten dollars, to which can be added imprisonment in the county jail for a period not exceeding six months, in the discretion of the judge or jury trying the same.

Burns' Ann. Stats., Suppl. 1921, ch. 81, p. 1117.

Sec. 7637s (1919). Standard weight of loaf of bread.—Bread to be sold by the loaf made by bakers engaged in the business of wholesaling and retailing bread, shall be sold based upon any of the following standard weights and no other; namely, a loaf weighing three-quarters of a pound, a loaf weighing one pound, a loaf weighing one and one-half pounds and loaves weighing two pounds, or some other multiple of one pound. These shall be the standard weights for bread to be sold by the loaf and such bread shall not be sold of other weights. The State commissioner of weights and measures shall adopt and establish by rules such reasonable tolerances or variations within which these weights of standard loaves shall be kept: *Provided, however*, That such tolerances and variations shall not exceed one ounce per pound over and one ounce per pound under the standard unit weight. Every loaf of bread made or procured for the purpose of sale, sold or offered for sale shall have affixed thereon in a conspicuous place a label upon which there shall be printed in plain type the weight of the loaf, stated in pounds or fractions of pounds, or both, as the case may be, together with the business name of the baker or manufacturer of the loaf. In the case of wrapped bread, such information shall be stated in a plain position upon the wrapper of each loaf, and in the case of unwrapped bread shall be stated upon a label no larger than one by one and one-half inches in size and not smaller than one inch by three-quarters of an inch, and such label affixed to an unwrapped loaf shall not be affixed in any manner or with any gums or pastes which are unsanitary or unwholesome. It shall be the duty of the commissioner of weights and measures, and of the sealers of weights and measures of any city, town or county or any agent thereof responsible for the enforcement of weight and measure laws and ordinances under regulations prescribed by the commissioner of weights and measures to enforce the provisions of this section.

Sec. 7637t. Penalty for violation.—Any person, firm or corporation who shall violate any of the provisions of this act shall be subject to a fine of not less than ten dollars, nor more than one hundred dollars, and each day's continuance of any practice, act or condition prohibited herein shall constitute a separate offense within the meaning of this act.

Sec. 7637u. No conflicting enactments.—Except as in this act provided, no city or town or any board or officer thereof shall have power to exact or make any ordinance, law, resolution, rule or order, affecting the matters covered by this act.

Burns' Ann. Stat., 1914, Vol. 4, ch. 109, p. 218.

Sec. 8655 (1905). General powers of council.—The common council of every city shall have power to enact ordinances for the following purposes:

Twenty-second: To regulate the selling, weighing and measuring of hay, wood, coal, coke and all other articles sold by weight or measure; to require dealers to keep honest weights and measures and to provide for inspection of such weights and measures.

Laws, 1923, ch. 44, p. 143.

Sec. 1. Standard hampers for fruits and vegetables; specifications.—That the standard hamper for fruits and vegetables shall be the one-peck hamper, one-half bushel hamper, five-eighths bushel hamper, one bushel hamper, and one and one-half bushel hamper, which respectively, shall be of the capacity and conform to the specifications set forth in this section.

(*a*) The standard one-peck hamper shall contain five hundred and thirty-seven and six-tenths cubic inches, and conform to the following specifications: The inside diameter between staves at the upper edge of the top inside hoop shall be ten and three-eighths inches; the inside diameter of the bottom shall be six and one-half inches; the inside length of the staves, shall be nine and five-eighths inches; the inside hoop shall be one-tenth of an inch thick and set with its upper edge even with the upper ends of the staves; each stave shall be not less than one-tenth of an inch thick and ten and one-eighth inches long; and the bottom piece shall be one-half of an inch thick.

(*b*) The standard one-half bushel hamper shall contain one thousand and seventy-five and twenty-one hundredths cubic inches, and conform to the following specifications: The inside diameter between staves at the upper edge of the top inside hoop shall be thirteen inches; the inside diameter of the bottom shall be eight and one-half inches; the inside length of the staves shall be twelve inches; the inside top hoop shall be one-ninth of an inch thick and set with its upper edge even with the upper ends of the staves; each stave shall be not less than one-tenth of an inch thick and twelve and five-eighths inches long; and the bottom piece shall be five-eighths of an inch thick.

(*c*) The standard five-eighths bushel hamper shall contain one thousand, three hundred forty-four cubic inches and conform to the following specifications: The inside diameter between staves at the upper edge of the top inside hoop shall be fourteen and one-fourth inches; the inside diameter of the bottom shall be nine inches; the inside length of the staves shall be twelve and seven-eighths inches; the inside top hoop shall be one-eighth of an inch thick and set with its upper edge even with the upper ends of the staves; each stave shall be not less than one-ninth of an inch thick and thirteen and one-half inches long; and the bottom piece shall be five-eighths of an inch thick.

(*d*) The standard one bushel hamper shall contain two thousand one hundred and fifty and forty-two one-hundredths cubic inches, and conform to the following specifications: The inside diameter between staves at the upper edge of the top inside hoop shall be fifteen and one-eighth inches; the inside diameter of the bottom shall be nine inches; the inside length of the staves to the upper edge of the top inside hoop shall be nineteen inches; the inside hoop shall be one-eighth of an inch thick and set with its upper edge three-

eighths of an inch below the upper ends of the staves; each stave shall be not less than one-eighth of an inch thick and twenty inches long; and the bottom piece shall be five-eighths of an inch thick.

(*e*) The standard one and one-half bushel hamper shall contain three thousand two hundred and twenty-five and sixty-three one-hundredths cubic inches, and conform to either of the following specifications:

(1) The inside diameter between staves at the upper edge of the top inside hoop shall be sixteen and one-fourth inches; the inside diameter of the bottom shall be nine inches; the inside length of the staves to the upper edge of the top inside hoop shall be twenty-six inches; the inside top hoop shall be one-eighth of an inch thick and set with its upper edge three-eighths of an inch below the upper ends of the staves; each stave shall be not less than one-sixth of an inch thick and twenty-seven inches long, and the bottom piece shall be five-eighths of an inch thick.

(2) The inside diameter between staves at the upper edge of the top inside hoop shall be sixteen and three-fourths inches; the inside diameter of the bottom shall be ten inches; the inside length of the staves to the upper edge of the top inside hoop shall be twenty-three inches; the inside top hoop shall be one-eighth of an inch thick and set with its upper edge three-eighths of an inch below the upper ends of the staves, each stave shall be not less than one-eighth of an inch thick and twenty-four inches long; and the bottom piece shall be five-eighths of an inch thick.

Sec. 2. Standard round-stave baskets; specifications.—That the standard round-stave basket for fruits and vegetables shall be the one-fourth bushel basket, one-half bushel basket, five-eighths bushel basket, one bushel basket, one and one-half bushel basket, and two-bushel basket, which, respectively, shall be of the capacity and conform to the specifications set forth in this section.

(*a*) The one-fourth bushel round-stave basket shall contain five hundred thirty-seven and six-tenths cubic inches, and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be ten and seven-eighths inches; the average inside depth shall be not less than six and three-fourths inches; the web shall consist of twenty intersecting staves of such length that they will conform the side and bottom of a basket which shall contain eight quarts standard dry measure.

(*b*) The one-half bushel round-stave basket shall contain one thousand and seventy-five and twenty-one one-hundredths cubic inches, and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be thirteen and one-half inches; the average inside depth shall be not less than eight and one-half inches; the web shall consist of twenty intersecting staves, each not less than one-eighteenth of an inch thick and of such length that they will form the sides and bottom of a basket which shall contain sixteen quarts, standard dry measure.

(*c*) The five-eighths bushel round-stave basket shall contain one thousand and three hundred and forty-four cubic inches, and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be thirteen and one-half inches; the average inside depth shall be not less than ten and

one-fourth inches; the web shall consist of twenty intersecting staves, each not less than one-eighteenth of an inch thick and of such length that they will form the sides and bottom of a basket which shall contain twenty quarts, standard dry measure.

(*d*) The one-bushel round-stave basket shall contain two thousand one hundred and fifty and forty-two one-hundredths cubic inches, and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be seventeen inches; the average inside depth shall be not less than ten and three-fourths inches; the web shall consist of twenty intersecting staves, each not less than one-eighteenth of an inch thick and of such length that they will form the sides and bottom of a basket which shall contain thirty-two quarts, standard dry measure.

(*e*) The one and one-half bushel round-stave basket shall contain three thousand two hundred and twenty-five and sixty-three one-hundredths cubic inches and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be nineteen and three-eighths inches; the average inside depths shall be not less than twelve and three-fourths inches; the web shall consist of twenty-four intersecting staves, each not less than one-sixteenth of an inch thick and of such length that they will form the sides and bottom of a basket which shall contain forty-eight quarts, standard dry measure.

(*f*) The two-bushel round-stave basket shall contain four thousand three hundred and eighty-four one-hundredths cubic inches and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be twenty-one inches; the average inside depth shall be not less than fourteen inches; the web shall consist of twenty-four intersecting staves, each not less than one-sixteenth of an inch thick and of such length that they will form the sides and bottom of a basket which shall contain sixty-four quarts, standard dry measure.

Sec. 3. Standard splint baskets; specifications.—That the standard splint basket for fruits and vegetables shall be the four-quart basket, eight-quart basket, twelve-quart basket, sixteen-quart basket, and twenty-four quart basket, standard dry measure.

(*a*) The four-quart splint basket shall contain two hundred and sixty-eight and eight-tenths cubic inches and conform to the specifications in one of the two following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be seven inches by twelve inches. The approximate inside dimensions of the bottom at the corners shall be five and three-fourths inches by ten and one-half inches. The inside depth at the corners shall be four inches.

(2) The inside dimensions of the square cornered splint basket at the top shall be six inches by twelve inches. The inside dimensions of the bottom shall be five and one-half inches by eleven and one-half inches. The inside depth at the corners shall be four inches.

(*b*) The eight-quart splint basket shall contain five hundred and thirty-seven and six-tenths cubic inches and conform to the specifications in one of the three following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be eight inches by fourteen inches. The approximate

inside dimensions of the bottom at the corners shall be seven inches by twelve inches. The inside depth at the corners shall be five inches.

(2) The approximate inside dimensions of the top across the center shall be nine and one-half inches by sixteen and one half inches. The approximate inside dimensions of the bottom at the corners shall be seven and one-half inches by fourteen and one-half inches. The inside depth at the corners shall be four inches.

(3) The inside dimensions of the square-cornered splint basket at the top shall be seven and three-eighths inches by fifteen and one-half inches. The inside dimensions of the bottom shall be seven inches by fourteen and one-half inches. The inside depth at the corners shall be five inches.

(*c*) The twelve-quart splint basket shall contain eight hundred and six and four-tenths cubic inches and conform to the specifications in one of the three following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be nine and one-half inches by sixteen inches. The approximate inside dimensions of the bottom at the corners shall be eight and one-half inches by fourteen inches. The inside depth at the corners shall be five and one-half inches.

(2) The approximate inside dimensions of the top across the center shall be eleven and one-half inches by seventeen and one-half inches. The approximate inside dimensions of the bottom at the corners shall be eight and one-half inches by fourteen and one-half inches. The inside depth of the basket at the corners shall be five inches.

(3) The inside dimensions of the square-cornered splint basket at the top shall be eight and five-eighths inches by seventeen and one-half inches. The inside dimensions of the bottom shall be eight inches by sixteen and three-eighths inches. The inside depth at the corners shall be five and three-fourths inches.

(*d*) The sixteen-quart splint basket shall contain one thousand and seventy-five and twenty-one one-hundredths cubic inches, and conform to the specifications in one of the three following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be ten and one-half inches by eighteen and one-half inches. The approximate inside dimensions of the bottom at the corners shall be eight and one-half inches by sixteen inches. The inside depth at the corners shall be six and one-half inches.

(2) The approximate inside dimensions of the top across the center shall be eleven and one-half inches by nineteen and one-half inches. The approximate inside dimensions of the bottom at the corners shall be eight and one-half inches by sixteen and one-half inches. The inside depth at the corners shall be six inches

(3) The inside dimensions of the square-cornered splint basket at the top shall be nine inches by nineteen inches. The inside dimensions of the bottom shall be eight and one-half by eighteen inches. The inside depth at the corners shall be six and five-eighths inches.

(*e*) The twenty-four quart splint basket shall contain one thousand six hundred and twelve and eighth-tenths cubic inches, and conform to the specifications in one of the three following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be twelve inches by twenty inches. The approximate inside dimensions of the bottom at the corners shall be ten inches by seventeen and one-half inches. The inside depth of the basket at the corners shall be seven and on-half inches.

(2) The approximate inside dimensions of the top across the center shall be twelve inches by twenty-three inches. The approximate inside dimensions of the bottom at the corners shall be nine inches by nineteen inches. The inside depth of the basket at the corners shall be seven inches.

(3) The inside dimensions of the square-cornered splint basket at the top shall be ten and five-eights inches by twenty-two and one-fourth inches. The inside dimensions of the bottom shall be nine and five-eighths inches by twenty and one-half inches. The inside depth of the basket at the corners shall be seven and one-half inches.

Sec. 4. Standard Climax baskets; specifications.—That standards for Climax baskets for grapes and other fruits and vegetables shall be the two-quart basket, four-quart basket and twelve-quart basket respectively:

(*a*) The standard two-quart Climax basket shall be of the following dimensions: Length of bottom piece, nine and one-half inches; width of bottom piece, three and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, three and seven-eighths inches, outside measurement; top of basket, length eleven inches and width five inches outside measurement. Basket to have a cover of five by eleven inches, when a cover is used.

(*b*) The standard four-quart Climax basket shall be of the following dimensions: Length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenths inches outside measurement; top of basket, length fourteen inches, width six and one-fourth inches, outside measurement. Basket to have cover six and one-fourth inches by fourteen inches, when cover is used.

(*c*) The standard twelve-quart Climax basket shall be of the following dimensions: Lentgh of bottom piece, sixteen inches; width of bottom piece, six and one-half inches; thickness of bottom piece, seven-sixteenths of an inch; height of basket, seven and one-sixteenth inches, outside measurement; top of basket, length nineteen inches, width nine inches, outside measurement. Basket to have cover nine inches by nineteen inches, when cover is used.

Sec. 5. Standard containers for small fruits; capacities.—That standard basket or other container for berries and other small fruits and vegetables shall be of the following capacities; namely, dry one-half pint, dry pint, dry quart, or multiples of the dry quart.

(*a*) The dry half-pint shall contain sixteen and eight-tenths cubic inches.

(*b*) The dry pint shall contain thirty-three and six-tenths cubic inches.

(*c*) The dry quart shall contain sixty-seven and two-tenths cubic inches.

Provided, That the provisions of this section shall not be construed to permit the manufacture, sale or use of hampers, round-stave baskets, Climax baskets or splint baskets in any other multiples of a quart than those enumerated in sections 1, 2, 3, and 4 hereof.

Sec. 6. Food and drug commissioner to prescribe tolerances.—That the State food and drug commissioner shall in his regulations under this act prescribe such tolerances as he may find necessary to allow in the capacities and specifications for hampers, round-stave baskets, splint baskets, Climax baskets and baskets or other containers for berries and other small fruits and vegetables, and parts thereof, set forth in sections 1, 2, 3, 4 and 5 of this act, in order to provide for reasonable variations occurring in the course of manufacture and handling, and shall also prescribe such tolerances as he may find necessary to allow for the purposes of section 8 of this act in the quantities of fruits or vegetables in hampers, round-stave baskets, splint baskets, Climax baskets and baskets and other containers for berries and other small fruits and vegetables, in order to provide for the natural shrinkage of such contents after packing. If a cover be used upon any hamper or basket or other containers mentioned in this act, it shall be securely fastened or attached in such a manner, subject to the regulations of the State food and drug commissioner, as not to reduce the capacity of such hamper, basket or other container below that prescribed therefor. The provisions in sections 1, 2, 3, 4 and 5 of this act, covering specifications and dimensions, shall apply only to hampers and baskets made of wood or of which wood is the principal material; but hampers and baskets which are not made of wood or of which wood is not the principal material, shall not depart from the respective capacities therein prescribed.

All regulations and tolerances established by the State food and drug commissioner shall be in conformity with those from time to time promulgated by the United States Department of Agriculture.

Sec. 7. Authority to change specifications.—That in order to provide for the more economical use of space in packing or transportation, or for the greater conservation of material or labor in manufacture or handling or of the contents in course of shipment, of hampers, round-stave baskets, splint baskets and Climax baskets for fruits or vegetables, or parts thereof, the State food and drug commissioner whenever he finds it necessary, may, in his regulations, prescribe specifications with respect to the material used, or the dimensions thereof, for such hampers, round-stave baskets, splint baskets, Climax baskets or baskets or other containers for berries or other small fruits and vegetables or parts thereof in addition to, differing from, or superseding those set forth in sections 1, 2, 3, 4 and 5 of this act, but not departing from the respective capacities therein prescribed. Such specifications shall not supersede any specifications set forth in this act until a period of at least six months shall have elapsed after public notice shall have been given following an opportunity afforded the interested public for a hearing.

Sec. 8. Manufacture and use of containers contrary to this act; penalty.—That it shall be unlawful to manufacture for sale or shipment, sell, offer for sale, ship, offer for shipment in the State of Indiana, hampers, round-stave baskets, Climax baskets, splint baskets for

fruits or vegetables, or baskets or other containers for berries or other small fruits and vegetables, either filled or unfilled, or parts of such hampers, round-stave baskets, splint baskets, Climax baskets or baskets or other containers for berries or other small fruits and vegetables that do not comply with this act, and it shall be unlawful to sell, offer for sale, ship or offer for shipment fruits or vegetables, not sold or offered for sale by standard net weight or by numerical count, in hampers, round-stave baskets, splint baskets, Climax baskets or baskets or other containers for berries or other small fruits and vegetables that at the time of such sale or offer for sale, shipment or offer for shipment are not filled to the full capacity thereof, stricken measure, subject to such tolerances as may be prescribed in the regulations under this act. Any individual, partnership, association, or corporation that willfully violates this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars ($100) or imprisonment not exceeding sixty days, or both: *Provided*, That no person shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the manufacturer, wholesaler, shipper, or other party residing within this State from whom hampers, round-stave baskets, Climax baskets, splint baskets or other baskets or containers, as defined in this act, were purchased to the effect that said hampers, round-stave baskets, Climax baskets, splint baskets or other baskets or containers are correct within the meaning of this act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of hampers, round-stave baskets, Climax baskets, splint baskets or other baskets or containers to such person, and in such case such party or parties making such sale shall be amenable to prosecution, fines, and other penalties which would attach in due course to any person under the provisions of this act.

Sec. 9. Containers not complying with this act may be confiscated.—That any hamper, round-stave basket, Climax basket or splint basket for fruits or vegetables, or other basket or container for berries or other small fruits and vegetables, whether filled or unfilled, or parts of such hampers, round-stave baskets, Climax baskets, splint baskets, or other basket or container for berries or other small fruits and vegetables, not complying with this act, which shall be manufactured for sale or shipment, offered for sale, sold or shipped, may be proceeded against in any court of competent jurisdiction of this State and within the county where the same shall be found and may be seized for confiscation by a process of libel for condemnation. Upon request, the person entitled shall be permitted to retain or take possession of the contents of such hampers, baskets or containers, but, in the absence of such request or when the perishable nature of such contents makes such action immediately necessary, the same shall be disposed of by destruction or sale as the court or a judge thereof may direct. If such hampers, round-stave baskets, splint baskets, Climax baskets or other basket or container for berries or other small fruits and vegetables, or parts thereof be found in such proceeding to be contrary to this act, the same shall be disposed of by destruction, except that the court may by order direct that such hampers, baskets or containers, or parts to be returned

to the owner thereof, or sold, upon the payment of the costs of such proceeding and the execution and delivery of a good and sufficient bond to the effect that such hampers, baskets, or containers, or parts thereof shall not be sold or otherwise disposed or used contrary to law. The proceeds of any sale under this section, less legal costs and charges, shall be paid over to the person entitled thereto.

Sec. 10. Shipment to other States.—That this act shall not prohibit the manufacture for sale or shipment, offer for sale, sale or shipment of hampers, round-stave baskets, splint baskets, Climax baskets, or baskets or containers for berries or other small fruits and vegetables, or parts thereof to any other State or foreign country in accordance with the specifications of a consignee or customer not contrary to the law of such State or foreign country; nor shall this act prevent the manufacture or use of banana hampers of the shape and character now in commercial use as shipping containers for bananas.

Sec. 11. Duty of prosecuting attorney.—That it shall be the duty of each prosecuting attorney to whom satisfactory evidence of any violation of this act is presented to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the State of Indiana in his circuit for the enforcement of the provisions of this act.

Sec. 12. Duty of food and drug commissioner.—That it shall be the duty of the State food and drug commissioner to enforce all the provisions of this act and he shall prescribe such regulations as he may find necessary for carrying into effect the provisions of this act, and shall cause such examinations and tests to be made as may be necessary in order to determine whether hampers, round-stave baskets, and splint baskets, Climax baskets and baskets or containers for berries or other small fruits and vegetables, or parts thereof, subject to this act, meet its requirements. For said purpose the authorized officers and agents of the food and drug department may visit factories, stock rooms, and other places of business where such hampers, baskets, and containers, or parts thereof, are manufactured or held for sale or shipment or offered for sale and may enter cars, vessels, other vehicles, and places under the control of carriers engaged in the transportation of such hampers, baskets, and containers, or parts thereof, and may take samples of such hampers, baskets and boxes or parts thereof or upon written request from the State food and drug commissioner or his authorized agents any manufacturers, shippers, carriers or holders of such hampers, baskets and containers or parts thereof shall furnish samples of such hampers, baskets and containers or parts thereof as are required for the purpose of inspection, as in this act provided.

Sec. 13. Cooperation with local authorities.—That for carrying out the purpose of this act the food and drug commissioner is authorized to cooperate with State, county, and municipal authorities, manufacturers, dealers and shippers.

Sec. 14. Application to containers made of wood.—That the provisions of this act establishing dimensions and specifications for the several baskets, hampers and containers named shall apply only to baskets, hampers, and containers made of wood for fruits and vegetables, but the standard sizes established and the cubical contents

thereof shall apply to all baskets, hampers and other containers for fruits and vegetables of whatever material made.

Sec. 15. Construction of act.—That nothing in this act shall be construed to permit of sales by standard hampers, baskets or containers without regard to weight or numerical count now required by law to be sold by weight or numerical count.

Burns' Ann. Stat., 1914, Vol. 1, ch. 5, p. 1115.

Sec. 2590d (1913). Advertisements; false statements; penalty.—That if any person, firm, association or corporation or any employee thereof, in a newspaper, circular, form letter or other publication published, distributed or circulated in this State or on any billboard, sign, card, label or other advertising medium displayed on, in or near a street, electric car, show case, store or other place in this State, knowingly makes or disseminates or causes to be made or disseminated any statement, or assertion of facts concerning the quantity, the quality, * * * or concerning the manner or source of purchase of such merchandise, or the possession of rewards, prizes or distinctions conferred on account of such merchandise, which statement or assertion has the appearance of an offer advantageous to the purchaser and is untrue or calculated to mislead, the person or corporation, or the member or members of a firm or association, causing such statement or assertion to be made or disseminated, also the employee making or disseminating such statement or assertion, shall be guilty of a misdemeanor, and shall be liable to a fine of not less than ten (10) nor more than five hundred dollars ($500) for each offense.

Sec. 2606 (1905). Short weight.—Whoever knowingly sells or directs or permits any person in his employ to sell any property, and makes or gives any false or short weight or measure of such property, and any person owning, or having charge of scales, measures or steelyards, for the purpose of weighing or measuring any property, who knowingly reports any false or untrue weight or measure, whereby any person may be defrauded or injured, shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars.

Sec. 2607. Selling coal by false weight.—Whoever knowingly sells and delivers any coal except at the weight and measure prescribed by law, shall, on conviction, be fined not less than five dollars nor more than one hundred dollars.

Sec. 2608. Gas meters.—Whoever knowingly constructs, or uses or furnishes to gas consumers to be used, any false meter provided for measuring and registering the quantity of gas consumed by any person under a contract with any gas company, shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars.

Burns' Ann. Stats., Suppl. 1921, ch. 5, Art. 11, p. 258.

Sec. 2609 (a1917). Weights and measures, standard.—The avoirdupois weight of beef or pork in each barrel shall be two hundred pounds; and of flour in each barrel, one hundred and ninety-six pounds; of sorghum molasses, eleven pounds per gallon; of maple molasses, eleven pound per gallon; of hay, straw, ice, coal or coke, two thousand pounds shall be given and taken for a ton.[4] * * *

[4] So much of this section as relates to the sale of commodities by the bushel is superseded by Laws, 1925, ch. 86, p. 247.

Any person, firm or corporation who buys or sells any of the articles or commodities enumerated in this section, at a measure or fraction thereof differing in the weight from the standard herein prescribed shall be guilty of a misdemeanor and shall, on conviction, for the first offense, be punished by fine of not less than ten dollars nor more than thirty dollars; for the second offense, by a fine of not less than $25.00 nor more than $100.00, and for the third and subsequent offense, by a fine of $100.00 and imprisonment in the country jail for not less than thirty days nor more than ninety days.

Burns' Ann. Stats., 1914, Vol. 1, ch. 5, p. 1115.

Sec. 2610 (1905). Wheat; inspection; weight; grade.—It shall be unlawful for any person, commission merchant, miller, dealer, grain inspector, corporation, company, firm or association, either by himself, itself, officer, agent or employe, when purchasing wheat or receiving it in barter or exchange for flour or otherwise, from the owner, his agent or employe, to use for the purpose of testing or determining the weight, grade, milling or market value of wheat, any measure other than the standard half-bushel measure furnished this State by the United States; and the use of any fractional part of said standard half-bushel measure for such purpose will be a violation of this section. It shall likewise be unlawful to use anything other than a straight stick with the edges square for leveling the wheat in said half-bushel measure, for the purpose of testing the weight, grade, milling or market value of wheat: *Provided*, That the provisions of this section shall not apply to wheat or grain that is inspected or graded by the car load under the regulations of any board of trade. Any person violating any of the provisions of this section, shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars, to which may be added imprisonment in the county jail not exceeding six months.

Burns' Ann. Stats., Suppl., 1921, ch. 5, Art. 11, p. 258.

Sec. 2613a (1915). Rags, paper; sale; fraudulent weight.—That any person, firm, co-partnership or corporation engaged in the packing or shipping of rags and paper stock for use in felt making and paper mills, in bales, bundles, boxes or other containers, in this State, who shall knowingly and wilfully pack or ship, or who, in the conduct of such business shall knowingly and wilfully cause to be packed or shipped with the rags in such bales, bundles, boxes or other containers any dead animals, stone, wood, metal, minerals, bone, glass, leather, rubber or manufactured articles in which are used and attached any of the foregoing substances, water or earth, shall be guilty of a misdemeanor.

Sec. 2613b. Penalty.—Any person, firm, co-partnership or corporation guilty of violating any of the provisions of this act shall be punished by a fine of not less than ten dollars ($10.00) for each offense, or by imprisonment in the county jail for not more than two (2) months, or by both such fine and imprisonment.

Burns' Ann. Stat., 1914, Vol. 1, ch. 5, p. 1115.

Sec. 2632 (a1905). Short-weight packages.—Whoever packs, brands, or sells, or causes to be packed, branded or sold, any salt, beef, pork, flour, tobacco or hay, in barrels or packages, as full barrels or

packages, when such barrels or packages do not contain the weight which by law they are required to contain, shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars.

Sec. 2633. Altering inspector's marks; penalty.—Whoever alters or erases any brand or mark of any inspector, appointed by proper authority, placed on any barrel of salt, flour, beef, pork, or hogshead of tobacco, or other article authorized by law to be inspected and branded, shall, on conviction, be fined not less than five dollars nor more than one hundred dollars.

Sec. 2713 (1901). Meters open for inspection.—That every person, company or corporation now engaged or hereafter engaging in the business of furnishing natural or artificial gas for heating, illuminating or other purposes, to be used and paid for by patrons by meter measure, shall furnish to each and every patron a meter properly tested and in good order, and shall arrange such meters so that the patron can, at any time, see the meter dial and ascertain how much gas he is consuming, and how much he is liable to pay for.

Burns' Ann. Stats., 1914, Vol. 4, ch. 124A, p. 875.

Sec. 10052k1 (1913). Accuracy of meters; rules.—The commission [public service commission] shall establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurements, and every public utility is required to carry into effect all orders issued by the commission relative thereto. Nothing contained in this section shall limit in any manner any powers or authority vested in municipal corporations as provided in section 110 [section 10052g4].

Sec. 10052 l1. Testing of appliances.—The commission shall provide for the examination and testing of any and all appliances used for the measuring of any product or service of a public utility. Any consumer or user may have any such appliance tested upon payment of the fees fixed by the commission. The commission shall declare and establish reasonable fees to be paid for testing such appliances on the request of the consumers or users, the fee to be paid by the consumer or user at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the appliance or rate be found unreasonably defective or incorrect to the disadvantage of the consumer or user.

Burns' Ann. Stats., 1914, Vol. 2, ch. 22, p. 486.

Sec. 3920a (1913). Freight weights, determination of in case of dispute.—That in all cases wherein there is a dispute or failure of agreement between any common carrier and any consignor, consignee, or the assigns of either, concerning the actual weight of any shipment over the line of such carrier, or over the line of such carrier and any other carrier or carriers, or concerning the means o [or] method used or to be used to determine such actual weight, the same may be referred by any party to the Railroad Commission of Indiana, for settlement, and disposed of under the ordinary rules governing notice and procedure by the commission as in other cases, and the determination by the commission shall be prima facie evidence of such actual weight in all courts and proceedings in Indiana.

Burns' Ann. Stats., Suppl., 1921, ch. 22, p. 419.

Sec. 3920i (1915). Watermelons, shipment and sale.—That it shall be the duty of every person, or persons, firm or corporation loading watermelons into cars for transportation, before loading such watermelons to count and weigh the same, and upon such loading being completed to make out and sign two statements of the weight of such watermelons and the number thereof contained in said car. One copy of such statement shall be securely attached to said car and the other copy thereof shall be attached to the bill of lading for said car, and delivered to the consignee or purchaser thereof at his request.

Sec. 3920j. Statement of count and weight.—It shall be unlawful for any person, persons, firm or corporation to ship, sell or offer for sale any carload of watermelons without the statements set out in the last section having been made out, and one copy thereof being delivered to the purchaser or consignee of such watermelons, if he shall request it.

Sec. 3920k. Penalty.—Any person, persons, firm or corporation who shall fail to comply with any provisions of this act, or who shall make out any false statement in reference to the contents of said car or the weight thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars, to which may be added imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days.

Burns' Ann. Stats., 1914, Vol. 3, ch. 81, p. 764.

Sec. 7642 (1907). Net weight to be marked on packages containing food.—That the term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food and drugs, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory or country in which it is manufactured or produced. For the purposes of this act an article shall also be deemed to be misbranded:

* * * * * * *

In the case of food. * * *

3. If in the package form, and the contents are stated in the terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Burns' Ann. Stats., 1914, Vol. 3, ch. 88, p. 948.

Sec. 7913 (1853). Brands on salt barrels.—An inspector of salt shall brand on one end of the barrel the quality, whether first, second or third rate, also the weight, specifying gross, tare and net.

Sec. 7914. Weight of flour; brand of qualities.—The weight of flour in each barrel shall be one hundred and ninety-six pounds. It shall be examined with a three-quarter-inch barrel auger, and shall be marked of three qualities, the first to be branded "Superfine," the second "Fine," and the third "Coarse."

Sec. 7915. Beef and pork.—The weight of beef or pork in each barrel shall be two hundred pounds. According to the quality and

usages of trade, beef shall be branded "Mess beef" and "Prime beef," and pork shall be branded "Mess pork," "Prime pork," and "Cargo pork."

Sec. 7917. Hay.—The weight, in pounds, and the quality, determined according to the usages of trade, shall be branded on each bale of hay.

Sec. 7918. County commissioners may purchase hay-scales.—Such boards may authorize inspectors of hay to procure, at the expense of the county, suitable hay-scales.

Burns' Ann. Stats., 1914, Vol. 3, ch. 63, p. 465.

Sec. 6866a (1913). Weights and samples of milk and cream; testing.—That it shall be unlawful for any hauler of milk or cream or other person, or creamery, or other milk plant or agent, receiving milk or cream by weight or test or by weight and test, to fraudulently manipulate the weights of milk or cream of any patron or to take unfair samples thereof, or to fraudulently manipulate such samples. The hauler shall weigh the milk or cream of each patron accurately and correctly to the factory. He shall thoroughly mix the milk or cream of each patron by pouring and stirring until such milk or cream is uniform and homogenous in richness, before the sample is taken from such milk or cream. When the weighing or sampling of the milk or cream of each patron is done at the creamery, shipping station or other factory, firm, corporation or individual buying and paying for milk or cream on the basis of the butter fat contained therein, the same rule shall apply.

Sec. 6866b. Glassware for testing milk and cream for butter fat.—Every person, firm, company, association, corporation or agent thereof buying and paying for milk or cream on the basis of the amount of butter fat contained therein as determined by the Babcock test shall use standard Babcock test bottles, pipettes and weights and accurate scales, as defined in section 13 of this act, and all Babcock test bottles, pipettes and weights shall have been inspected for accuracy by the Purdue University agricultural experiment station, or its deputy, and shall be legibly and indelibly marked by the said Purdue University agricultural experiment station, or its deputy, with the letters "S. G. P." (Standard Glassware Purdue). No bottle, pipette or weight shall be used for such test unless so examined, and marked by the said Purdue University agricultural experiment station. It shall be unlawful for any person, firm, company, association, corporation, or any of their agents to use any other than standard test bottles, pipettes and weights which have been examined and marked as provided in this section, to determine the amount of fat in milk or cream, bought and paid for on the butter fat basis.

Sec. 6866c. Unlawful tests.—It shall be unlawful for any person, firm or corporation, by himself or as the officer, servant, agent or employe of any person, firm or corporation, buying and paying for milk or cream on the basis of the amount of fat contained therein to underread, over-read or otherwise fraudulently manipulate the Babcock test used for determining the per cent of fat in milk or cream, or to falsify the record thereof or to read the test at any temperature except the correct temperature which is 135 degrees to 140 degrees Fahrenheit, or to pay on the basis of any measurement or weight except the true measurement or weight which is 17.6 cubic centimeters

for milk and nine (9) grams for cream. This section further provides that in all tests the cream shall be weighed into the test bottles.

Sec. 6866i. Prosecuting attorney; duties.—It shall be the duty of every prosecuting attorney to whom the Purdue University agricultural experiment station shall report any violation of the provisions of this act to cause proceedings to be commenced against the person or persons so violating the provisions of this act, and to prosecute the same to final termination, according to the laws of the State of Indiana.

Sec. 6866j. Penalties.—Any employe of a firm, company, association, corporation or person, buying and paying for milk or cream on the basis of the amount of butter fat it contains, violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five ($25.00) dollars, nor more than five hundred ($500.00) dollars, or be imprisoned in the county jail for not less than sixty (60) days nor more than twelve (12) months, or both. Any firm, company, association, corporation or person, buying or paying for milk or cream on the basis of the amount of butter fat contained therein, violating any of the provisions of this act, shall be guilty of misdemeanor, and upon conviction thereof shall be fined in the sum of one hundred ($100.00) dollars for the first offense and in the sum of not less than one hundred ($100.00) dollars, nor more than one thousand ($1,000) dollars for each subsequent offense.

Sec. 6866l. Standard Babcock testing glassware defined; standard Babcock pipette; standard weights.—The term "standard Babcock testing glassware" shall apply to glassware and weights complying with the following specifications:

(*a*) Standard Milk Test Bottles.—Graduation: The total per cent graduation shall be 8. The graduated portion of the neck shall have a length of not less than 63.5 mm (2½ inches). The graduation shall represent whole per cent, five-tenths per cent, and tenths per cent. The tenths per cent graduations shall not be less than 3 mm in length; the five-tenths per cent graduations shall be 1 mm longer than the tenths per cent graduations, projecting 1 mm to the left; the whole per cent graduation shall extend one-half way around the neck to the right and projecting 2 mm to the left of the tenths per cent graduations. Each per cent graduation shall be numbered, the number being placed on the left of the scale. The error at any point of the scale shall not exceed one-tenth per cent.

Neck: The neck shall be cylindrical and the cylindrical shape shall extend for at least nine millimeters below the lowest and above the highest graduation mark. The top of the neck shall be flared to a diameter of not less than ten (10) millimeters.

Bulb: The capacity of the bulb up to the junction of the neck shall not be less than 45 cubic centimeters. The shape of the bulb may be either cylindrical or conical with the smallest diameter at the bottom. If cylindrical, the outside diameter shall be between 34 and 36 mm; if conical, the outside diameter of the base shall be between 31 and 33 mm, and the maximum diameter between 35 and 37 mm.

The charge of the bottle shall be 18 grams.

The total height of the bottle shall be between 150 and 165 mm. (5⅞ and 6½ inches).

(*b*) Standard Cream Test Bottles.—Two types of bottles shall be accepted as standard cream test bottles, a 50% 9-gram, short-necked bottle and a 50% 9-gram long-neck bottle.

Fifty Per Cent 9-Gram Short-Neck Bottles.—Graduation: The total per cent graduation shall be 50. The graduated portion of the neck shall have a length of not less than 63 mm (2½ inches). The graduation shall represent five per cent, one per cent, and five-tenths per cent. The five per cent graduations shall extend at least halfway around the neck (to the right). The five-tenths per cent graduations shall be at least 3 mm in length, and the one per cent graduations shall have a length intermediate between the five per cent and the five-tenths per cent graduations. Each per cent graduation shall be numbered, the number being placed on the left of the scale. The error at any point of the scale shall not exceed five-tenths per cent.

Neck: The neck shall be cylindrical and the cylindrical shape shall extend at least 9 mm below the lowest and 9 mm above the highest graduation mark. The top of the neck shall be flared to a diameter of not less than 10 mm.

Bulb: The capacity of the bulb up to the junction of the neck shall be not less than 45 cubic centimeter. The shape of the bulb may be either cylindrical or conical with the smallest diameter at the bottom. If cylindrical, the outside diameter shall be between 34 and 36 mm; if conical, the outside diameter of the base shall be between 31 and 33 mm and the maximum diameter between 35 and 37 mm.

The charge of the bottle shall be 9 gram. All bottles shall bear on top of the neck above the graduations, in plainly legible characters, a mark defining the weight of the charge to be used (9 grams).

The total height of the bottle shall be between 150 and 165 mm (5⅞ and 6½ inches), same as standard test bottles.

Fifty Per Cent 9-Gram Long-Neck Bottles.—The same specifications in every detail as specified for the 50 per cent 9-gram short-neck bottle shall apply for the long-neck bottle, with the exception, however, that the total height of this bottle shall be between 210 and 235 mm (8¼ and 8⅞ inches).

Total length of pipette not more than 33 mm (13¼ inches). Outside diameter of suction tube 6 to 8 mm. Length of suction tube 130 mm. Outside diameter of delivery tube 4.5 to 5.5 mm. Length of delivery tube 100 to 120 mm. Distance of graduation mark above bulb 30 to 60 mm. Nozzle straight. Delivery 17.6 cc of water at 20 degrees C. in 5 to 8 seconds.

The standard weight shall be nine (9) grams.

Burns' Ann. Stats., 1914, Vol. 3, ch. 88, p. 941.

Sec. 7940 (a1909). Commercial feeding stuffs, net weight to be marked.—Any person, company, corporation or agent that shall sell or offer, or expose for sale, any concentrated commercial feeding stuff, in this State, shall affix, or cause to be affixed, to every package or sample of such concentrated commercial feeding stuff in a conspicuous place on the outside thereof, a tag or label which shall be accepted as a guarantee of the manufacturer, importer, dealer or agent, and which shall have plainly printed thereon in the English

language the number of net pounds of concentrated commercial feeding stuff in the package, the name, brand or trade-mark under which the concentrated commercial feeding stuff is sold, the name of the manufacturer, the location of the principal office of the manufacturer, * * * When concentrated commercial feeding stuff is sold in bulk a tag, as hereinbefore described, and a State chemist stamp shall be delivered to the consumer with each one hundred pounds, or fraction thereof: *Provided*, That State chemist's stamps shall be issued to cover twenty-five (25), fifty (50) and one hundred (100) pounds.

Laws, 1923, ch. 177, p. 487.

Sec. 8, as amended by Laws, 1925, ch. 171, p. 412. Weighmen; scales; inspection.—(A) The operator of every mine at which the miners are paid by weight, shall provide suitable and accurate scales of standard manufacture for the weighing of coal which may be procured from such mines; such operator shall be required to keep United States standard weights to test said scales.

(B) At every mine where the coal mined is paid for by weight in shall be the duty of the weighman and the check-weighman to examine and balance the scales each morning, and in no case shall any coal be weighed until such scales are tested by the United States standard weights and found to be correct. Said weighman shall accurately weigh, and he shall, together with the check-weighman, record the weight of each miner's car of coal delivered, which record shall be kept open at all reasonable hours for inspection of all miners or other persons pecuniarly interested in the product of such mine: *Provided*, That if the weighman and the check-weighman shall disagree, work may continue until the State commissioner of weights and measures or his deputy can be present, and any erroneous weights made during such time shall be rectified. When difference shall arise between the weighman and check-weighman, or operator, of any mine as to the correctness of the scales, the same shall be referred to the State commissioner of weights and measures or his deputy, whose duty it shall be to see and regulate the same at once.

(C) The State commissioner of weights and measures or his deputy and miners employed in the mine, the owner of the land and others personally interested in the royalty or rental of such mine, shall at all proper times have full right of access to make examination of scales or apparatus used for weighing coal in or about said mine, including the records in which the weights of coal are kept, to determine the amount of coal mined, for the purpose of attesting the accuracy thereof.

Sec. 9. Check-weighman.—(A) Whenever the mining of coal is paid for by weight, the miners employed in mining the same shall have the right of selecting and keeping in the weigh office, or at the place of weighing the coal, a check-weighman, who shall be vested with the same rights as described in section "8" of this act, said check-weighman to be paid by said miners.

Sec. 19, as amended by Acts, 1925, ch. 171, p. 412.—(E) It shall be the duty of the State commissioner of weights and measures, or his deputy, in addition to his other duties, to examine all scales used at any mine for the purpose of weighing coal taken out of said mine.

The scales shall be tested by sealed weights; the same shall be furnished to said State commissioner of weights and measures, or his deputy, by the auditor of State on requisition, the cost of which shall be audited by the auditor of the State, and paid out of any money in the State treasury not otherwise appropriated. And on inspection, if the scales are found incorrect, and after written notice by the State commissioner of weights and measures, or his deputy, it shall be unlawful for any operator to use or suffer the same to be used, until the scales are adjusted to weigh correctly.

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Code, 1924, ch. 161, p. 436.

Sec. 3227 (a1924). Standard established.—The weights and measures which have been presented by the department to the Federal Bureau of Standards and approved, standardized, and certified by said bureau in accordance with the laws of the Congress of the United States shall be the standard weights and measures throughout the State.

Sec. 3228. Length and surface measure.—The unit or standard measure of length and surface from which all other measures of extension shall be derived and ascertained, whether they be lineal, superficial, or solid, shall be the standard yard secured in accordance with the provisions of the preceding section. It shall be divided into three equal parts called feet, and each foot into twelve equal parts called inches, and for the measure of cloth and other commodities commonly sold by the yard it may be divided into halves, quarters, eighths, and sixteenths. The rod, pole, or perch shall contain five and one-half such yards, and the mile, one thousand seven hundred sixty such yards.

Sec. 3229. Land measure.—The acre for land measure shall be measured horizontally and contain ten square chains and be equivalent in area to a rectangle sixteen rods in length and ten rods in breadth, six hundred and forty such acres being contained in a square mile. The chain for measuring land shall be twenty-two yards long, and be divided into one hundred equal parts, called links.

Sec. 3230. Weight.—The units or standards of weight from which all other weights shall be derived and ascertained shall be the standard avoirdupois and troy weights secured in accordance with the provisions of section 3227. The avoirdupois pound, which bears to the troy pound the ratio of seven thousand to five thousand seven hundred sixty, shall be divided into sixteen equal parts called ounces; the hundredweight shall consist of one hundred avoirdupois pounds, and twenty hundredweight shall constitute a ton. The troy ounce shall be equal to the twelfth part of a troy pound.

Sec. 3231. Liquids.—The unit or standard measure of capacity for liquids from which all other measures of liquid shall be derived and ascertained shall be the standard gallon secured in accordance with the provisions of section 3227. The gallon shall be divided by continual division by the number two so as to make half-gallons, quarts, pints, half-pints, and gills. The barrel shall consist of thirty-one and one-half gallons, and two barrels shall constitute a hogshead.

Sec. 3232. Dry measure.—The unit or standard measure of capacity for substances not liquids from which all other measures of such substances shall be derived and ascertained shall be the standard half-bushel secured in accordance with the provisions of section

3227. The peck, half-peck, quarter-peck, quart, pint, and half-pint measures for measuring commodities which are not liquids, shall be derived from the half-bushel by successively dividing the cubic inch capacity of that measure by two.

Sec. 3233. Bottomless measures.—Bottomless dry measures shall not be used unless they conform in shape to the United States standard dry measures.

Sec. 3234. Sales of dry commodities to be by weight.—All dry commodities unless bought or sold in package or wrapped form shall be bought or sold only by the standard weight or measure herein established, or by numerical count, unless the parties otherwise agree in writing, except as provided in the four following sections.

Sec. 3235. Drugs and section comb honey.—The requirements of the preceding section shall not apply to drugs or section comb honey.

Sec. 3236. Bushel by weight.—When any of the commodities enumerated in this section shall be sold by the bushel or fractional part thereof, except when sold as provided in the two following sections, the measure shall be determined by avoirdupois weight and shall be computed as follows:

	Pounds
Apples	48
Apples, dried	24
Alfalfa seed	60
Barley	48
Beans, green, unshelled	56
Beans, dried	60
Beans, Lima	56
Beets	56
Blue grass seed	14
Bran	20
Bromus inermis	14
Broomcorn seed	50
Buckwheat	48
Carrots	50
Castor beans, shelled	50
Charcoal	20
Cherries	40
Clover seed	60
Coal	80
Coke	40
Corn on the cob (field)	70
Corn in the ear, unhusked (field)	75
Corn, shelled (field)	56
Corn meal	48
Cucumbers	48
Emmer	40
Flaxseed	56
Grapes, with stems	40
Hempseed	44
Hickory nuts, hulled	50
Hungarian grass seed	50
Kaffir corn	56
Lime	80
Millet seed	50
Oats	32
Onions	52
Onion top sets	28
Onion bottom sets	32
Orchard grass seed	14
Osage orange seed	32
Parsnips	45
Peaches	48
Peaches, dried	33
Peanuts	22
Pears	45
Peas, green, unshelled	50
Peas, dried	60
Plums	48
Popcorn on the cob	70
Popcorn, shelled	56
Potatoes	60
Quinces	48
Rape seed	50
Red top seed	14
Rutabagas	60
Rye	56
Salt	80
Sand	130
Shorts	20
Sorghum saccharatum seed	50
Spelt	40
Sweet corn	50
Sweet potatoes	50
Timothy seed	45
Tomatoes	50
Turnips	55
Walnuts, hulled	50
Wheat	60
All root crops not specified above	50

Sec. 3237. Sale of certain fruits and vegetables by dry measure.—Blackberries, blueberries, cranberries, currants, gooseberries, raspberries, cherries, strawberries, and similar berries, also onion sets in quantities of one peck or less, may be sold by the quart, pint, or half-pint, dry measure.

Sec. 3238. Sale of fruits and vegetables in Climax baskets.—Grapes, other fruits, and vegetables may be sold in climax baskets; but when said commodities are sold in such manner and the containers are labeled with the net weight of the contents in accordance with the provisions of section 3037, all the provisions of the chapter relative to labeling foods shall be deemed to have been complied with.

Sec. 3239. Berry boxes and Climax baskets.—Berry boxes sold, used, or offered or exposed for sale shall have an interior capacity of one quart, pint, or half-pint dry measure. Climax baskets sold, used, or offered or exposed for sale shall be of the standard size fixed below:

1. Two-quart basket: Length of bottom piece, nine and one-half inches; width of bottom piece, three and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, three and seven-eighths inches, outside measurement; top of basket, length eleven inches, and width five inches, outside measurement; basket to have a cover five by eleven inches, when a cover is used.

2. Four-quart basket: Length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenths inches, outside measurement; top of basket, length fourteen inches, width six and one-fourth inches, outside measurement; basket to have cover six and one-fourth inches by fourteen inches, when cover is used.

3. Twelve quart basket: Length of bottom piece, sixteen inches; width of bottom piece, six and one-half inches; thickness of bottom piece, seven-sixteenths of an inch, outside measurements; top of basket, length nineteen inches, height of basket, seven and one-sixteenth inches, width nine inches, outside measurement; basket to have cover nine inches by nineteen inches, when cover is used.

Sec. 3240. Hop boxes.—The standard box used in packing hops shall be thirty-six inches long, eighteen inches wide, and twenty-three and one-fourth inches deep, inside measurement.

Sec. 3241. Milk bottles.—The standard bottle used for the sale of milk and cream shall be of a capacity of one-half gallon, three pints, one quart, one pint, one-half pint, one gill, filled full to the bottom of the lip.

Sec. 3242. Flour.—A barrel of flour shall consist of one hundred ninety-six pounds avoirdupois and one-fourth barrel consisting of forty-nine pounds shall be a sack of flour.

No barrel or sack of flour shall be sold which contains less than the amount herein specified.

Sec. 3243. Mason work, or stone.—The perch of mason work or stone shall consist of twenty-five feet, cubic measure.

Sec. 3244. Sales to be by standard weight or measure.—All commodities bought or sold by weight or measure shall be bought or sold only by the standards established by this chapter, unless the vendor and vendee otherwise agree. Sales by weight shall be by avoirdupois weight unless troy weight is agreed upon by the vendor and vendee.

Code, 1924, ch. 162, p. 438.

Sec. 3245 (a1924). Sale of coal, charcoal, and coke.—No person shall sell, offer or expose for sale any coal, charcoal, or coke in any other

manner than by weight, or represent any of said commodities as being the product of any county, State, or Territory, except that in which mined or produced, or represent that said commodities contain more British thermal units than are present therein.

Sec. 3246. Delivery tickets required.—No person shall deliver any of said commodities without each such delivery being accompanied by duplicate delivery tickets, on each of which shall be written in ink or other indelible substance, distinctly expressed in pounds, the gross weight of the load, the tare of the delivering vehicle, and the net amount in weight of the commodity, with the names of the purchaser and the dealer from whom purchased.

Sec. 3247. Disposition of delivery tickets.—One of said duplicate tickets shall be delivered to the vendee and the other one shall be returned to the vendor. Upon demand of the department the person in charge of the load shall surrender one of said duplicate tickets to the person making such demand. If said ticket is retained an official weight slip shall be delivered by said department to the vendee or his agent.

Sec. 3248. Sales without delivery.—When the vendee carries away the commodity purchased, a delivery ticket, showing the actual number of pounds received by him, shall be issued to him by the vendor.

Sec. 3249. Sales of hay or straw by bale.—No person shall sell, offer or expose for sale any bales of hay or straw without first attaching thereto a plain and conspicuous statement of the minimum net weight contained in such bales; but nothing in this section shall be construed to require a statement of weight on each bale where hay or straw is sold by the ton and a ticket showing the gross, tare, and net weight accompanies the delivery.

Sec. 3250. Inspection of loaded vehicles.—The department may stop any wagon, auto truck, or other vehicle loaded with any commodity being bought, offered or exposed for sale, or sold, and compel the person having charge of the same to bring the load to a scale designated by said department and weighed for the purpose of determining the true net weight of the commodity.

Code, 1924, ch. 163, p. 439.

Sec. 3251 (a1924). State sealer.—The department shall designate one of its assistants to act as State sealer of weights and measures. All weights and measures sealed by him shall be impressed with the word "Iowa."

Sec. 3252. Preservation of standards.—The department shall maintain the State standards in good order, shall take all necessary precautions for their safe-keeping, and shall submit them once in ten years to the National Bureau of Standards for certification.

Sec. 3253. Testing weights and measures.—Upon written request of any citizen, firm, or corporation, city, town, or country, or educational institution of the State made to the department, a test or calibration of any weights, measures, weighing or measuring devices, and instruments or apparatus to be used as standards shall be made.

Sec. 3254. Sealing milk bottles not required.—The State sealer shall not be required to seal bottles for milk or cream, but they shall be inspected from time to time in order to ascertain whether they are standard.

Sec. 3255. Sealer for cities and towns.—A sealer of weights and measures may be appointed in any city or town by the council, who shall hold his office during its pleasure, and may obtain from the department such standard weights and measures as the council may deem necessary.

Sec. 3256. Duties of city sealer.—Each sealer in cities and towns shall take charge of and provide for the safekeeping of the town or city standards, and see that the weights, measures, and all apparatus used for determining the quantity of commodities used throughout the town or city, agree with the standards in his possession.

Sec. 3257. Expenses.—All expenses directly incurred in furnishing the several cities and towns with standards, or in comparing those that may be in their possession, shall be borne by said cities and towns.

Code, 1924, ch. 164, p. 439.

Sec. 3258 (a1924). Definitions.—For the purpose of this chapter:

1. "Public scale" shall mean any scale or weighing device for the use of which a charge is made or compensation is derived.

2. "Gasoline pump" shall mean any pump, meter, or similar measuring device used for measuring gasoline.

Sec. 3259. License required.—Every person who shall use or display for use any public scale or gasoline pump shall secure a license for said scale or pump from the department.

Sec. 3260, as amended by Acts, 1925, ch. 62, p. 53. Fee; expiration of license.—The license fee shall be three dollars per annum and each license for a public scale shall expire on December thirty-first and for a gasoline pump on June thirtieth of each year.

Sec. 3261. Form of license.—The license shall be in the form of a metal plate bearing the words "Licensed by the State of Iowa, No. ____." Each plate shall be numbered consecutively and bear the year for which the license is granted.

Sec. 3262. License to be displayed; removal.—The license plate shall be displayed prominently on the front of the scale or pump, and the defacing or wrongful removal of such plate shall be punished as provided in chapter 147. Absence of license plate shall be prima facie evidence that the weighing or measuring device is being operated contrary to law.

Sec. 3263. Oath of weighmasters.—All persons keeping public scales, before entering upon their duties as weighmasters, shall be sworn before some person having authority to administer oaths, to keep their scales correctly balanced, to make true weights, and to render a correct account to the person having weighing done.

Sec. 3264. Weighmasters to keep registers.—Weighmasters are required to make true weights and keep a correct register of all weighing done by them, giving the amount of each weight, date thereof, and the name of the person or persons for whom done, and give, upon demand, to any person having weighing done, a certificate showing the weight, date, and for whom weighed.

Sec. 3265. Penalty.—Any weighmaster violating any of the provisions of the two preceding sections, shall be guilty of a misdemeanor, and punished as provided in chapter 147 and be liable to the person injured for all damages sustained.

Code, 1924, ch. 165, p. 440.

Sec. 3266 (a1924). Duty to inspect.—The department shall make an inspection of all weights and measures wherever the same are kept for use in connection with the sale of any commodity sold by weight or measurement, of where the price to be paid for producing any commodity is based upon the weight or measurement thereof; and when complaint is made to the department that any false or incorrect weights or measures are being made under said conditions, said department shall have the same inspected.

Sec. 3267. Inspection fees.—An inspection fee shall be charged the person owning or operating the scale so inspected in accordance with the following schedule: Scales with a five hundred pounds capacity up to and including four thousand pounds capacity, one dollar each; scales over four thousand pounds capacity up to and including twenty-one thousand pounds capacity, three dollars each; scales over twenty-one thousand pounds capacity not including railroad track scales, five dollars each; railroad track scales, ten dollars each; all hopper or automatic scales, two dollars each.

Sec. 3268. Payment by party complaining.—When such inspection shall be made upon the complaint of any person other than the owner of the scale, and upon examination the scale is found by the department to be accurate for weighing, the inspection fee for such inspection shall be paid by the person making complaint.

Sec. 3269. Limitation on the number of inspections.—No person shall be required to pay more than two inspection fees for any one scale in any one year unless additional inspections are made at the request of the owner of said scales.

Sec. 3270. Confiscation and condemnation of scales.—The department may seize without warrant and confiscate any incorrect scales, weights, or measures, or any weighing apparatus or part thereof which do not conform to the State standards or upon which the license fee has not been paid. If any weighing or measuring apparatus or part thereof be found out of order the same may be tagged by the department " Condemned until repaired," which tag shall not be altered or removed until said apparatus is properly repaired.

Sec. 3271. Possession of false weights or measures.—If any person engaged in the purchase or sale of any commodity by weight or measurement, or in the employment of labor where the price thereof is to be determined by weight or measurement of the articles upon which labor is bestowed, has in possession any inaccurate scales, weights, or measures, or other apparatus for determining the quantity of any commodity, which do not conform to the standard weights and measures, he shall be punished as provided in chapter 147.

Sec. 3272. Transactions by false weights or measures.—Any person shall be deemed to have violated the provisions of this chapter and shall be punished as provided in chapter 147:

1. If such person sell, trade, deliver, charge for or claim to have delivered to a purchaser an amount of any commodity which is less in weight or measure than that which is asked for, agreed upon, claimed to have been delivered, or noted on the delivery ticket.

2. If such person make settlement for or enter credit, based upon any false weight or measurement, for any commodity purchased.

3. If such person make settlement for or enter credit, based upon any false weight or measurement, for any labor where the price of producing or mining is determined by weight or measure.

4. If such person record a false weight or measurement upon the weight ticket or book.

Sec. 3273. Reasonable variations; small packages.—In enforcing the provisions of the preceding section reasonable variations shall be permitted and exemptions as to small packages shall be established by rules of the department.

Sec. 3274. Powers of cities and towns limited.—Commodities weighed upon any scale bearing the inspection card, issued by the department, shall not be required to be reweighed by any ordinance of any city or town or city under special charter or under the commission form of government, nor shall their sale, at the weights so ascertained, and because thereof, be, by such ordinance, prohibited or restricted.

Code, 1924, ch. 147, p. 412.

Sec. 3029 (a1924). Definitions and rules of construction.—For the purpose of this title:

1. "Article" shall include food, commercial feed, agricultural seed, commercial fertilizer, drug, insecticide, fungicide, paint, linseed oil, turpentine, and illuminating oil, in the sense in which they are defined in the various provisions of this title.

2. "Department" shall mean the department of agriculture, and, wherever said department is required or authorized to do an act, it shall be construed as authorizing performance by a regular assistant or a duly authorized agent of said department.

3. "Secretary" shall mean the secretary of agriculture.

4. "Package" or "container," unless otherwise defined, shall include wrapper, box, carton, case, basket, hamper, can, bottle, jar, tube, cask, vessel, tub, firkin, keg, jug, barrel, tank, tank car, and other receptacles of a like nature; and wherever the expression "offered or exposed for sale or sold in package or wrapped form" is used it shall mean the offering or exposing for sale, or selling of an article which is contained in a package or container as herein defined. * * *

Sec. 3037. Labeling.—All articles in package or wrapped form which are required by this title to be labeled, unless otherwise provided, shall be conspicuously marked in the English language in legible letters of not less than eight-point heavy Gothic caps on the principal label with the following items:

* * * * * * *

2. The quantity of the contents in terms of weight, measure, or numerical count. Under this requirement reasonable variations shall be permitted, and small packages shall be excepted in accordance with the rules of the department.

3. The name and place of business of the manufacturer, packer, importer, dispenser, distributor, or dealer. * * *

Code, 1924, ch. 150, p. 419.

Sec. 3079 (a1924). Testing milk or cream.—Every person testing cream or milk to determine the per cent of milk-fat as a basis for fixing the purchase price shall secure a milk tester's license from the

department and shall make tests only by such process as has been approved by said department.

Sec. 3080. Examination required.—Each applicant for such a license shall be required to submit to examination and by actual demonstration show that he is competent to test cream and milk according to an approved process.

Sec. 3081. Supplying standard measures for testing.—The department shall furnish each licensee one standard test bottle and one standard pipette adapted to the use of the testing machine approved for the licensee. Said bottle and pipette shall be certified to by the department as standard and shall bear the official stamp of the department. Any person not a licensee may secure test bottles and pipettes from the department at the legal price.

Sec. 3083. Bottles and pipettes.—The standard bottle and pipette received from the department shall be used by the licensee in verifying test tubes and pipettes used by him in making tests; and the same shall be subject to inspection by the owner or vendor of the cream or milk which is the subject of the test.

Sec. 3085. False tests; evidence.—No person shall falsely manipulate or misread the Babcock test or any other milk or cream testing apparatus. The writing of a check or payment of money for cream or milk at any given test shall constitute prima facie evidence that such test was made.

Sec. 3095. Milk bottles to be marked.—Bottles or jars used for the sale of milk shall have clearly blown or permanently marked in the side of the bottle, the capacity of the bottle, and on the bottom of the bottle the name, initials, or trade-mark of the manufacturer. The designating number shall be furnished by the department on request.

Code, 1924, ch. 292, p. 731.

Sec. 5768°. Markets; powers of certain cities to establish and regulate.—They [special charter cities] shall have power to establish and regulate markets and scales, to build market houses and establish and regulate the same; to provide for the measuring or weighing of merchandise offered for sale, * * *

Code, 1924, ch. 581, p. 1547.

Sec. 13061°. Penalty for altering brands, etc.—If any person falsely alter any stamp, brand, or mark on any cask, package, box, or bale containing merchandise or produce, made by a public officer, appointed for that purpose, in order to denote the quality, weight, or quantity of the contents thereof, with intent to defraud, he shall be fined not more than five hundred dollars and imprisoned in the county jail not exceeding one year.

Sec. 13062. Penalty for counterfeiting mark of another.—If any person counterfeit any mark, stamp, or brand of another, or falsely mark any cask, package, box, or bale as to quality or quantity, with intent to defraud, he shall be fined not exceeding two hundred dollars, or be imprisoned in the county jail not more than six months, or both.

Sec. 13066. Fraudulently using stamped cask, etc.—If any person, with intent to defraud, use any cask, package, box, or bale, marked,

branded, or stamped by another, for the sale of merchandise or produce of an inferior quality or less in quantity or weight than is denoted by such mark, stamp, or brand, he shall be imprisoned in the county jail not more than one year, or fined not exceeding two hundred dollars, or both.

Sec. 13067 (1907). Binder twine; label.—No binder twine shall be sold, exposed, or offered for sale within this State, except the same bears upon each ball a stamp or label truly stating the name of the manufacturer or importer and the number of feet to the pound in such ball: *Provided*, That a deficiency not exceeding five per cent in length stated on the stamp or label shall not be a violation hereof.

Code, 1924, ch. 426, p. 1217.

Sec. 9719, as amended by Acts, 1925, ch. 184, p. 170.—The term "agricultural product" as used in this chapter shall mean cotton, wool, grain, tobacco, flaxseed, sugar and all canned goods made from agricultural products.

Sec. 9734 (1921). License to classify, grade, or weigh.—The commissioners may, upon presentation of satisfactory proof of competency, issue to any person a license to classify any agricultural product or products, stored or to be stored in a warehouse licensed under this chapter, according to grade or otherwise and to certificate the grade or other class thereof, or to weigh the same and certificate the weight thereof, or both to classify and weigh the same and to certificate the grade or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this chapter and of the rules and regulations prescribed hereunder so far as the same relate to him.

Code, 1924, ch. 373, p. 1012.

Sec. 8137 (1907). Track scales, where located; weight certificates.—Every person, firm or corporation engaged in operating any railroad within the State shall equip the line of its track and thereafter maintain thereon in good order, track scales of sufficient capacity to weigh all carloads of coal that may be transported over the said railroad, and shall weigh the same at the request of any owner, consignor or consignee of such commodities, and furnish written certificates of such weights to such owner, consignor or consignee as hereinafter provided. Such track scales shall be so installed and maintained at all division stations along the line of such railroads within the State, and at such other stations as the board of railroad commissioners shall from time to time direct.

Sec. 8138. Weighing of coal at point where shipment originates.—Every person, firm or corporation engaged in operating any railroad within the State, over which coal, in carload lots shall be transported for hire, shall weigh such coal at point where such shipment originates unless covered by weight agreement between consignor and railway company, provided such point is equipped with track scales. If not so equipped, it shall be weighed at first practicable point en route where track scales are provided. Said person, firm or corporation shall furnish to said shipper a bill of lading showing date and place weighted, also the gross, tare and net weights for each car-

load of coal so weighed. The tare weight shall be determined by using actual weight of empty car at loading station, provided track scales are maintained at such point.

Sec. 8139. Weighed at destination upon request; fee.—Such coal shall be weighed at destination upon request of consignee when there are track scales at such point. If not equipped with track scales at such point, then at nearest practicable point en route where such scales are maintained and certificate of weight showing actual gross, tare and net weights, shall be furnished to consignee and settlement of freight charges based on these weights. A reasonable charge of not more than one dollar per car, may be made for such weighing on request.

Sec. 8140. How weighed.—Cars when weighed on track scales shall be uncoupled, clear and unhampered at both ends, carefully weighed by competent weighmen and certificates issued upon request of consignees, showing gross, tare and net weights.

Sec. 8141. Prima facie evidence.—Certificates mentioned in this act shall be prima facie evidence of the facts therein recited in any action arising between consignors and consignees and common carriers.

Sec. 8142. Penalty.—Any common carrier operating in this State violating any of the provisions of five preceding sections by neglecting or refusing to weigh cars or to furnish certificates of weights as therein provided shall be guilty of a misdemeanor and shall be, upon conviction thereof, fined in the sum of not more than one hundred and twenty-five dollars for each and every violation.

Code, 1924, ch. 68, p. 200.

Sec. 1319 (a1900). Scales and weighers; duties; records.—The operator shall, if the miners are paid by weight, provide the mine with suitable scales of standard make, and require the person selected to weigh the coal delivered from the mine to take and subscribe an oath before some person authorized to administer oaths, to the effect that he will keep the scales correctly and truly balanced, and accurately weigh and a true record keep of each car delivered, which oath, with that of the check weighman hereinafter provided for, shall be conspicuously displayed with record of weights at the place of weighing, which record shall carry the account of each miner by itself, be open to the inspection at all proper times of miners and all others having a pecuniary interest in the mine. All damages sustained on account of a failure to weigh and credit to the proper person any coal mined shall be recoverable in an action brought within two years from the time the right thereto accrued, and a knowledge of a violation of this provision by the miner shall not be a defense thereto.

Sec. 1320. Check weighman; duties.—The miners employed and working in any mine may furnish a competent checkweighman, who, before entering upon his duties, shall take and subscribe an oath to the effect that he is duly qualified and will faithfully discharge his duties as a checkweighman, and he shall at all proper times have access to and the right to examine the scales, machinery, or apparatus used in weighing, and to see all measures and weights of coal mined and the accounts kept thereof; but not more than one person on the part of the miners collectively shall have this right, and such examination and inspection shall be so made as to create no unnecessary interference with the use of such scales, machinery, or apparatus.

Sec. 1321. When weighed; bushel; ton.—The operator shall, where the miner is to be paid by the ton or other quantity, unless otherwise agreed upon in writing, weigh the coal before screening, and the miner shall be credited at the rate of eighty pounds to the bushel and two thousand pounds to the ton, but no payment shall be required for sulphur, rock, slate, blackjack, dirt, or other impurities which may be loaded or found with the coal.

Sec. 1337. Penalty.—Any owner, lessee, or operator, or any party in charge of any mine, or any weighman or checkweighman violating any of the provisions of this chapter relating to the correct weighing and recording of the weights of coal mined at any mine shall be fined not exceeding five hundred dollars or be imprisoned in the county jail not exceeding sixty days. * * *

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Rev. Stats., 1923, ch. 83, p. 1415.

Sec. 83–101 (1909). State standards.—Such standard weights and measures as have been furnished to this State by the Government of the United States, in accordance with a joint resolution of Congress, approved June 14, 1836, and such weights, measures, balances and measuring devices as may be received from the United States as standard weights, measures, balances and measuring devices, in addition thereto, or in renewal thereof, shall be the authorized standards of the State of Kansas.

Sec. 83–102. Units of length and surface measure; yard; foot; inches; rod; pole; perch; mile; chain; link; acre.—The units of standard measures of length and surface from which all other measures of extension, whether lineal, superficial or solid, shall be derived and ascertained, are the standard of lengths designated in this act. The yard is divided into three equal parts called feet, and each foot into twelve equal parts called inches. For measures of cloth and other commodities commonly sold by the yard, the yard may be divided into halves, quarters, eighths, and sixteenths. The rod, pole or perch contains 5½ yards; the mile, 1,760 yards. The chain for measuring land is 22 yards long, and is divided into 100 equal parts called links. The acre for land measure shall be measured horizontally and contain 10 square chains, equivalent in area to a rectangle 16 rods in length and 10 in breadth; 640 acres being contained in a square mile.

Sec. 83–103. Units of standards of weight.—The units of standards of weight, from which all other weights shall be derived and ascertained, shall be the standard weights designated in this act. The hundredweight consists of 100 avoirdupois pounds, and a ton contains 20 hundredweights. Wherever hereafter in this act the word pound is used it shall mean the avoirdupois pound unless otherwise distinctly specified.

Sec. 83–104. Units of dry measure.—The units of standards of measure of capacity for commodities not liquids, from which all other measures shall be derived and ascertained, shall be the standards for such commodities designated in this act. The peck, half peck, quarter peck, quart, pint and half pint measures for measuring commodities which are not liquids shall be derived from the half bushel by successively dividing that measure by two.

Sec. 83–105. Units of liquid measure.—The units of standards of measure of capacity for liquids, from which all other measures shall be derived and ascertained, shall be the standard liquid measure designated in this act. The liquid gallon shall be divided by continual division by the number two so as to make half gallons, quarts, pints, half pints and gills.

Sec. 83–106. Electrical measures.—The standards of electrical measures recognized by the National Bureau of Standards when procured

by the State shall be the standard of electrical measures in the State of Kansas.

Sec. 83–107. Metric weights and measures.—The weights and measures of the metric system shall be legal weights and measures in the State of Kansas.

Sec. 83–108 (a1911). Enforcement.—That the State board of health shall be charged with the duties of enforcing the provisions of this act.

Sec. 83–109 (a1921). Standard weights for mill products and commodities, how sold; weights to be marked, when; weights per barrel and bushel.—That mill products and vegetable products hereinafter mentioned shall have only the following standard weights, and whenever any of the following articles shall be contracted for or sold or delivered and no special contract or agreement shall be made to the contrary, such sale and all computations for payment or settlement therefor shall be by net weight, the net weight to be plainly marked on the outside of the barrel, sack, package or bale as the case may be, and the net weight, whether stated in words or otherwise, shall be as follows:

Barrels of wheat and rye flour and corn meal, one hundred and ninety-six pounds net.
One-half barrels, ninety-eight pounds net.
One-fourth barrels, forty-eight pounds net.
One-eighth barrels, twenty-four pounds net.
One-sixteenth barrels, twelve pounds net.

Provided, however, That corn meal may be packed and sold in sacks of thirty-five pounds net, seventeen and one-half pounds net, and eight and three-fourths pounds net.

When hay and straw are sold in bales, the correct weight which said bale contains, when sold at retail by the bale.

Cottonseed meal in sacks, one hundred pounds net.
Bran in sacks, one hundred pounds net.
Shorts in sacks, one hundred pounds net.
Tankage in sacks, one hundred pounds net.
Oil meal in sacks, one hundred pounds net.
Meat meal in sacks, one hundred pounds net.

And all other feeds made from cereals of any kind, whether pure, mixed, or adulterated, one hundred pounds per sack net.

The net weight per bushel of the following articles shall be as follows, and any fractional part of a bushel shall be the like fractional part of the said weight per bushel, net.

	Pounds		Pounds
Alfalfa seed	60	Cherries, with stems	56
Apples	48	Clover seed	60
Apples, dried	24	Corn, shelled	56
Barley	48	Corn in the ear, husked	70
Beans	60	Cucumbers	48
Beans, unshelled green	38	Flaxseed (linseed)	56
Beans, castor	46	Feterita	56
Beets	56	Grapes, with stems	48
Bluegrass seed, native	14	Grapes, without stems	60
Bluegrass seed, English	22	Hemp seed	44
Broomcorn seed	30	Kafir corn	56
Buckwheat	48	Lime, unslacked	80
Cane seed	50	Malt	38
Carrots	50	Millet seed, Hungarian	50
Cherries, without stems	64	Milo maize	56

	Pounds
Nuts, black walnut	50
Nuts, hickory	50
Oats	32
Onions	55
Parsnips	48
Peaches	48
Peaches, dried	33
Pears	50
Peas	60
Peas, green, in pods	30
Plastering hair, washed	4
Plastering hair, unwashed	8
Plums	52
Popcorn, on cob	70
Popcorn, shelled	56
Potatoes	60
Quinces	48
Rutabagas	50
Rye	56
Salt	80
Sorghum seed	50
Spelts or emmer	40
Spinach	14
Sudan grass seed	40
Sweet potatoes	50
Sweet potatoes, seed (sorted 1¼ inches in diameter and under)	45
Timothy seed	45
Tomatoes	56
Turnips	55
Wheat	60

And the standard barrel for all fruits and vegetables and other dry commodities shall contain 7,056 cubic inches, and for sweet potatoes and apples the 2-bushel box shall contain 4,704 cubic inches and 1-bushel box shall contain 2,352 cubic inches.

Sec. 83–110 (1923). Climax baskets.—The standards for Climax baskets for grapes and other fruits and vegetables shall be the two-quart basket, four-quart basket, and twelve-quart basket, respectively: (*a*) The standard two-quart Climax basket shall be of the following dimensions: Length of bottom piece, nine and one-half inches; width of bottom piece, three and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, three and seven-eighths inches, outside measurements. Top of basket, length eleven inches and width five inches, outside measurement. Basket to have a cover five by eleven inches, when a cover is used. (*b*) The standard four-quart Climax basket shall be of the following dimensions: Length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenths inches, outside measurement; top of basket, length fourteen inches, width six and one-fourth inches, outside measurement. Basket to have cover six and one-fourth inches by fourteen inches, when cover is used. (*c*) The standard twelve-quart Climax basket shall be of the following dimensions: Length of bottom piece, sixteen inches, width of bottom piece, six and one-half inches; thickness of bottom piece, seven-sixteenths of an inch; height of basket, seven and one-sixteenth inches, outside measurements; top of basket, length nineteen inches, width nine inches, outside measurement. Basket to have cover nine inches by nineteen inches, when cover is used.

Sec. 83–111. Containers for small fruits or vegetables.—That the standard basket or other container for small fruits, berries and vegetables shall be of the following capacities, namely, dry one-half pint, dry pint, dry quart or multiples of the dry quart. (*a*) The dry half-pint shall contain sixteen and eight-tenths cubic inches. (*b*) The dry pint shall contain thirty-three and six-tenths cubic inches. (*c*) The dry quart shall contain sixty-seven and two-tenths cubic inches.

Sec. 83–112. Apple boxes.—That the standard apple box shall have inside dimensions of ten and one-half inches by eleven and one-half inches by eighteen inches and shall contain twenty-one hundred and seventy-three and five-tenths cubic inches.

Sec. 83–113. Baskets or boxes not complying with act.—That it shall be unlawful to manufacture for sale or shipment, sell, offer for sale, or ship within the State, Climax and other baskets and apple boxes, either filled or unfilled, which do not comply with this act. Any individual, partnership, association or corporation that willfully violates this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed $100.

Sec. 83–114. Inspection of containers; variation from standards.—That the examination and test of Climax baskets, baskets or other containers for small fruits, berries and vegetables for the purpose of determining whether such baskets or other containers comply with the provisions of this act, shall be made by the secretary of the State horticultural society, and its secretary shall establish and promulgate rules and regulations allowing such reasonable tolerances and variations as may be found necessary.

Sec. 83–115 (1909). Contracts, how construed.—All contracts, sales or purchases hereafter made for work to be done, or for anything to be sold or delivered or done, by weight or measure, within this State, shall be taken and construed in terms of and according to the standards of weights and measures adopted by this act, except where parties have agreed upon any other calculations or measurements; and all statements and representations of any kind referring to the weights or measures of commodities sold or purchased, or exposed for sale, shall be understood in terms of the standards of weights or measures aforesaid.

Sec. 83–116. Dry commodities, how sold.—All dry commodities not otherwise specified in this act shall be sold only by standard dry measure, standard weight, or numerical count, except where parties otherwise agree.

Sec. 83–117 [1] **(a1911). Berry boxes, capacity; to be labeled, when.**—Berries and small fruits whenever sold in boxes shall be sold in boxes containing standard liquid quart or liquid pint, and if said boxes contain less than this amount, the information must be given to the purchaser by such package being labeled with a statement of the net contents.

Sec. 83–118 (1909). Milk and other liquid commodities, how sold.—All milk or cream that shall be sold in bottles shall be sold only in bottles containing half-pints, pints, quarts, half-gallon or gallons. All other liquid commodities shall be sold only by standard liquid measure or standard weight, except where parties otherwise agree.

Sec. 83–119. Bread, weight of; how sold; to be labeled, when.—A loaf of bread for sale shall be two pounds in weight. Bread, unless composed in chief part of rye or maize, shall be sold only in whole, half and quarter loaves, and not otherwise. Bread, when sold, shall, upon the request of the buyer, be weighed in his presence, and if found deficient in weight, additional bread shall be delivered to make up the legal weight, except that this section shall not apply to rolls or to fancy bread weighing less than one-quarter of a pound. Every loaf, half-loaf or quarter-loaf of bread which does not weigh the full weight required by this section shall be plainly labeled with the exact weight.

[1] This section is in conflict with section 83–111, which requires the sale of berries by dry measure.

Sec. 83–120. Butter, weight of; to be labeled, when.—A print or package of butter shall contain sixteen ounces avoirdupois, and when a print or package of butter containing less than sixteen ounces avoirdupois shall be sold its net weight shall be disclosed by the seller to the buyer, or a statement of the net weight be made upon a label attached thereto.

Sec. 83–121. Use of false weight or measure; penalty for; prima facie evidence; leakage, evaporation; variation; tolerances.—A person who, by himself or by his servant or agent, or as the servant or the agent of another, uses a weight, measure, balance or measuring device that is false and does not conform to the authorized standard for determining the quantity of any commodity or article of merchandise, or sells or exposes for sale less than the quantity which he represents, or sells or offers for sale commodities in a manner contrary to law, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be fined in a sum of not less than five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment. He shall also be liable to the injured party in double the amount of the property wrongfully taken or not given, and ten dollars in addition thereto, to be recovered in any court of competent jurisdiction. The selling and delivery of any commodity or article of merchandise shall be prima facie evidence of representations on the part of the vendor that the quantity sold and delivered was the quantity bought by the vendee. There shall be taken into consideration the usual and ordinary leakage, evaporation or waste that there may be from the time the package is filled by the vendor until the selling of the same; a slight variation from the stated weight, measure or quantity for individual packages is permissible, provided this variation is as often above as below the weight, measure or quantity stated.

Sec. 83–122. State sealer, who is; duties of.—The chancellor of the University of Kansas, at Lawrence, shall be ex officio State sealer of weights and measures (hereafter referred to in this act as the State sealer), and shall have the care and custody of the authorized public standards of weights and measures and of balances and other apparatus of all kinds owned by the State under section 1 [sections 83–101] of this act. He shall maintain the State standards in good order and submit them at least once in every ten years to the National Bureau of Standards for verification. He shall compare and adjust by the State standards all county, municipal and other official standard weights, measures, balances and measuring devices which may be sent or brought to him for that purpose, and shall seal the same when found or made to conform to the State standards, by stamping upon each the letter "K" and the last two figures of the year in which the said comparison and adjustment has been made, with seals which he shall have and keep for that purpose: *Provided*, That he may refuse to compare and seal any weights, measures, balances or measuring devices as standards for any county, municipality or public offices which do not conform to the type approved by the National Bureau of Standards for such use.

Sec. 83–123. State sealer may try and approve apparatus on request.—The State sealer may try and prove weights, measures, balances and

other measuring devices on request for any person, corporation or institution, and when the same are found or made to conform to the State standards, and otherwise fulfill such reasonable requirements as he shall make, he may seal the same with a seal which he shall have and keep for that purpose.

Sec. 83–124. Record; report, to whom made.—The State sealer shall keep a record of all of the weights, measures, balances, or other measuring devices sealed or condemned by him, and shall make an annual report to the governor, on or before January 1, of each year, a copy of which shall be filed with the National Bureau of Standards. He shall issue from time to time regulations for the guidance of county, municipal, and all other inspectors or sealers of weights and measures, and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties.

Sec. 83–125. Deputy, appointment of.—The State sealer may appoint a deputy State sealer, who shall perform such duties as may be prescribed by the State sealer, and he shall be a member of the faculty of the State University and receive no other compensation than his salary as a member of the faculty.

Sec. 83–126. County clerk is county sealer; duties of.—The county clerk of each county shall be the sealer of weights and measures for the county, and shall have the care and custody of the county standards. He shall procure, when ordered by the board of county commissioners, at the expense of the county, when not already provided, a full set of weights, measures, balances and measuring devices, which he shall cause to be tried, proved and sealed by the State standards under the direction of the State sealer. He shall maintain the standards and other apparatus under his charge in good order and repair and submit the same to the State sealer for verification when in the judgment of the commissioners it seems necessary.

Sec. 83–127. Standards for county and local sealers.—Sets of standards for county and local sealers, if procured, shall include the following weights, measures and balances, and they shall be of a type approved for such use by the State sealer: One yard measure divided into feet and inches, and at least one of the inches divided into thirty-seconds of an inch. Dry capacity measures: One half-bushel, one peck, one quart, and one pint. Liquid capacity measures: One gallon, one quart, and one pint. Avoirdupois pound weights in the following number and denominations: One fifty-pound, one twenty-pound, two ten-pound, one five-pound, two two-pound, and one one-pound. Avoirdupois ounce and fractional ounce weights in the following number and denomination: One eight-ounce, one four-ounce, one two-ounce, two one-ounce, one one-half-ounce, one one-quarter-ounce, one one-eighth-ounce, and two one-sixteenth-ounce. Twenty test weights each of fifty pounds for testing platform scales and other large scales, if the same are to be tested. One equal-arm balance of capacity of fifty pounds to one-sixteenth of an ounce.

Sec. 83–128. County and local sealers, duties of.—The several county and local sealers shall try and prove all weights, measures, balances and measuring devices when requested so to do, and when the same are found or made to conform to the authorized standards

they shall seal and mark such weights, measures, balances and measuring devices with a seal to be kept by them for that purpose. When any weight, measure, balance or measuring device is found by any authorized inspector or sealer to be false or untrue or not of an approved type, or which does not conform to the standards, or which cannot be made to conform to the standards by such means as the said inspector or sealer may have at his disposal, he shall condemn the same and mark it condemned in a conspicuous manner, and such condemnation mark shall not be removed or defaced except by authorization of the said inspector or sealer.

Sec. 83–129. County clerk neglecting standards; penalty for.—Any county clerk who neglects to keep the standards under his charge in good order or repair, or who suffers any of them through his neglect to be lost, damaged or destroyed, or who fails to perform any of the duties imposed upon him by this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof in a court of competent jurisdiction shall be subject to a fine of not less than ten dollars nor more than two hundred dollars.

Sec. 83–130 (a1917). Fees of sealers; State sealer not to require fees from county or city.—Each sealer of weights and measures, including the county clerk or any deputy sealer of weights and measures, shall receive fees as follows: One dollar for inspecting or sealing each platform scale, if weighing five thousand pounds or more, and fifty cents if weighing less than that amount; for sealing or marking every beam, ten cents. For sealing or marking measures of extensions, ten cents per yard or fraction thereof, not exceeding fifty cents for any one measure. For sealing or marking every weight, five cents. For sealing or marking liquid or dry measures, ten cents for each measure. The county clerk or his deputy shall be entitled to collect from the owner or custodian of such scales, dry measures, liquid measures or measures of extension, all necessary expenses incurred by such county clerk or his deputy in performing his duties as county sealer of weights and measures. The State sealer shall not require any fee from any county or city, and all fees collected by the State, county or city sealer shall be paid into the State, county or city treasury, as the case may be.

Sec. 83–131 (1909). Sealers, powers of; hindering, etc.; misdemeanor; penalty for.—All State, county and local sealers, or their deputies and other authorized inspectors of weights and measures, shall have full power to enter any premises in or on which any weights, measures, balances or measuring devices may be located or used for the purposes of trade, for the purpose of inspecting, adjusting and sealing or condemning the same. Whoever hinders, obstructs, or in any way interferes with any sealer or other person authorized to inspect weights and measures, while in the performance of said inspection, or whoever fails to produce, upon demand by such authorized sealer or inspector, all weights, measures, balances or measuring devices in or upon his place of business or in his possession for use in manufacture or trade, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than five dollars nor more than one hundred dollars.

Sec. 83–132. Sealing and condemning, when misdemeanor; penalty.—Any State or local sealer or deputy who shall seal any weight, meas-

ure, balance or measuring device before first testing and making the same conform to the authorized standard, or who shall condemn any weight, measure, balance or measuring device without first testing the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than five dollars nor more than one hundred dollars.

Sec. 83–133. Record; report.—The several county and municipal sealers and other persons authorized to inspect weights and measures shall keep records of all weights and measures, balances and measuring devices inspected, sealed or condemned by them, giving the name of the owner or agent, the place of business, the date of inspection, and kind of apparatus so inspected, sealed or condemned, and shall make an annual report of the same to the State sealer on or before the first day of September of each year, giving, in addition to the above, an inventory of the standards and apparatus in his possession, and such other information as he may deem important or that the State sealer may require.

Sec. 83–134. Cities and municipalities may appoint sealer and deputy, etc.; city standards to be tried.—Any city or municipality in the State may establish a department of public inspection of weights and measures, and shall have power to appoint a sealer and deputies and fix their compensation, and to pass such ordinances not in conflict with the State laws as may be deemed necessary; and if a city or municipality shall establish such a department it shall provide the sealer with suitable quarters, a set of standards as hereinbefore specified in this act, and all other equipment for the proper performance of his duties. All city and municipal standards shall be tried, proved and sealed under the direction of the State sealer, and shall be returned to him for verification at least once in every five years.

Sec. 83–135. Sealers may try weights, etc., when.—The county or local sealer who may have reason to believe that any weight, measure, balance or measuring device used in trade is inaccurate, or not according to the standard, shall have authority to make an immediate examination of the same and require that the same be tried and tested and conform to the standards herein required.

Sec. 83–136. State board of health to cooperate with sealers, and procure sets of standards; evidence in court.—It is hereby made the duty of the State board of health, and its several food and drug inspectors, to cooperate with the State and local sealers in carrying out the provisions of this act and all other acts relating to weights and measures, and the said food and drug inspectors are hereby authorized and empowered to act as inspectors of weights and measures used in trade. The State board of health shall procure, at the expense of the State, a full set of standard weights, measures and balances, including sets of standard apothecary's weights and measures, and cause the same to be proved and sealed by the State standards under the direction of the State sealer, together with the necessary working sets of weights, measures, balances and measuring devices for the use of the said inspectors, which must be officially sealed, and such weights and measures, balances and measuring devices provided for such inspectors shall be competent evidence in all courts in this State in criminal or civil actions.

Sec. 83–137 (1885). Weight of gallon of various oils.—Whenever any of the following named articles shall be contracted for or sold or

delivered by wholesale or in the original packages within the State of Kansas, and no special contract or agreement shall be made to the contrary, such sale and all computations for payment and settlement therefor shall be by weight. The weight per gallon shall be as follows:[2]

	Pounds		Pounds
Naphtha	5¾	Cod-liver oil	7½
Kerosene oil	6½	Whale oil	7½
Paraffine oil	7½	Lard oil	7½
Castor oil	8	Neat's-foot oil	7½
Olive oil	7⅝	Sperm oil	7¼
Linseed oil, raw	7½	Turpentine	7
Linseed oil, boiled	7½	Miners' oil	7½
Menhaden oil	7½	Gasoline	7¼

Sec. 83–138. Penalty.—Whoever in buying any of the articles mentioned in the preceding section shall take any greater number of pounds thereof to the gallon, or in selling any of the said articles shall give any less number of pounds thereof to the gallon, than is allowed by said section, with intent to gain advantage thereby, except when expressly authorized so to do by special contract or agreement to that effect, shall be liable to the party injured in double the amount or value of the property so wrongfully taken or not given, and ten dollars in addition thereto, to be recovered in any court of competent jurisdiction.

Sec. 83–139 (1905). No deduction from weight of grain, etc.; penalty.—Every sale of grain, seed, hay or coal shall be deemed to be made on the basis of the actual weight thereof, unless a different basis is established by the express agreement of the parties to the transaction. Any purchaser of grain, seed, hay or coal who, without express agreement with the seller thereof, shall knowingly deduct any quantity or amount from the actual weight or measure of the article purchased, and withhold payment therefor under claim of right so to do by reason of any custom, rule of a board of trade or any other pretense whatsoever, shall be deemed guilty of a misdemeanor, and subject to a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense. No agent or broker selling grain, seed, hay or coal for the owner thereof shall be presumed to have authority to sell any grain, seed, hay or coal on a basis other than that of the actual weight or quantity thereof, but express authority to allow any deduction must be proved.

Sec. 83–140. Penalty.—In case any purchaser of grain, seed, hay or coal shall deduct any amount from the actual weight or measure thereof, and shall knowingly withhold from the seller the purchase-price of the quantity so deducted without the express agreement of the seller thereof, such seller may recover from such purchaser three times the amount so withheld, together with reasonable attorney's fees, to be taxed in each court in which the action may be brought or to which an appeal may be taken.

Rev. Stats., 1923, ch. 13, Art. 4, p. 105.

Sec. 13–401 (1903). Powers of cities of the first class.—The governing body shall have the care, management and control of the city

[2] For convenience in printing a slight change has been made in arrangement of these articles.

and its property and finances; and shall have power to enact ordinances for all the purposes named and provided for in this article not repugnant to the constitution and laws of this State, and to alter, amend, modify and repeal such ordinances.

Sec. 13–437. Weights and measures.—To prescribe rules for weighing and measuring every kind of commodity sold in the city, in all cases not otherwise provided for by law, and may provide for the inspection of grain and weighing of hay, grain, coal, and measuring of wood and other fuel, and determine the place or places of weighing or measuring the same, and regulate and prescribe the place or places of exposing for sale hay, coal, and wood, and fix the fees and duties of the persons authorized to perform the duties named in this section; * * *

Sec. 13–527 (a1915). Appointment of weighers.—The mayor, by and with the consent of the council, or the city commission, as the case may be, may appoint a city engineer, * * * weighmaster, inspector and weigher of produce, * * *. But no officer shall be appointed until his term of office and salary shall have been fixed by ordinance; * * *

Rev. Stats., 1923, ch. 14, Art. 1, p. 174.

Sec. 14–101 (a1889). Cities of second class.—All cities now organized and acting as cities of the second class, by virtue of the authority of former acts, and all cities hereafter attaining a population of over two thousand and not exceeding fifteen thousand inhabitants, shall be governed by the provisions of this act; and whenever any city shall have hereafter attained a population exceeding two thousand inhabitants, and such facts shall have been duly ascertained and certified by the proper authorities of such city to the governor, he shall declare, by public proclamation, such city subject to the provisions of this act.

Sec. 14–426 (1872). Powers of council; enforce weighing of all commodities sold; cities of the second class.—The council may prescribe rules for the weighing and measuring of every commodity sold in the city in all cases not otherwise provided for by law, and may provide for the inspection and weighing of hay, grain and coal, the measuring of wood and fuel, and determine the place or places of the same, and regulate and prescribe the place or places of exposing for sale hay, coal and wood, and fix the fees and duties of the persons authorized to perform the duties named in this section.

Rev. Stats., 1923, ch. 15, Art. 1, p. 204.

Sec. 15–441 (1883). Additional powers, cities of third class.—In addition to the other powers provided by law, the governing body of cities of the third class may provide by ordinance for the inspection and weighing of hay, grain, coal, cattle and hogs, and for the measuring of wood for fuel, and determine the place or places of the same, and regulate and prescribe the place or places of exposing for sale hay, coal, and wood; may purchase and locate scales for such weighing, appoint a weighmaster, and prescribe his duties and fees. The council shall require such weighmaster to give a proper bond to the city, for the faithful performance of his duties: *Provided*, That in no case shall there be any greater charge made for weighing than five cents for a single draft.

Rev. Stats., 1923, ch. 50, p. 756.

Sec. 50–131 (1899). Fraud in weight of shipment; penalty.—If any person, company or corporation doing business in Kansas shall make any agreement, expressed or implied, or by any understanding or combination with any person, company or corporation within or without the State, by which any shipper of seeds, grains, hay or livestock is defrauded out of any portion of the net weight of any consignment of grain, seeds, hay, or livestock, all such agreements or combinations are hereby declared to be in restraint of trade, and any such person, company or corporation shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in the sum of not less than one hundred dollars and not exceeding one thousand dollars for each offense.

Rev. Stats., 1923, ch. 65, Art. 7, p. 1018.

Sec. 65–707 (1921). Ice cream, weight of.— * * * (E) (2) Ice cream offered for sale or sold shall weigh not less than four and three-quarters pounds per gallon. Violation of this provision shall subject the offender to the penalties of this act.

Rev. Stats., 1923, ch. 65, Art. 6, p. 1014.

Sec. 65–602 (a1907). Misbranding of weight on packages of food.— * * * That any person who shall sell, keep for sale or offer for sale, * * * any article of food * * * which is adulterated or misbranded, within the meaning of this act shall be guilty of a misdemeanor, and for each offense shall upon conviction thereof be fined in a sum not to exceed fifty dollars or be imprisoned in the county jail not exceeding one year, or be both fined and imprisoned, in the discretion of the court.

Sec. 65–608 (a1909). Misbranding of weight on packages of food.— * * * That for the purpose of this act an article shall also be deemed to be misbranded— * * * in the case of foods: * * * third, if in package form, and the contents are stated in terms of weight, measure or quantity, the net weight, measure or quantity is not plainly and correctly stated on the outside of the package; * * *

Rev. Stats., 1923, ch. 2, Art. 10, p. 9.

Sec. 2–1002 (a1923). Commercial feeding stuff, net weight to be marked.—Every lot or parcel of commercial feeding stuff sold, offered or exposed for sale or distributed within this State shall have affixed thereto a tag or label, in a conspicuous place on the outside thereof, containing a legible and plainly printed statement in the English language clearly and truly certifying: (*a*) The net weight of the contents of the package, lot, or parcel; (*b*) the name, brand, or trademark; (*c*) the name and principal address of the manufacturer, or person responsible for placing the commodity on the market; * * *

Rev. Stats., 1923, ch. 47, Art. 5, p. 721.

Sec. 47–503 (1913). Live stock remedy to be marked with net contents.—Every sack, box, carton, or other package of live stock remedy sold, offered or exposed for sale, or distributed within this State shall have a tag or label affixed thereto in a conspicuous place

on the outside thereof bearing a legible and plainly printed statement in the English language clearly and truly certifying: First, the name and principal address of the manufacturer or person responsible for placing such live stock remedy on the market; second, the name, brand, or trade-mark under which the live stock remedy is sold; third the minimum net contents of the sack, box, carton, or other package.

Rev. Stats., 1923, ch. 34, p. 568.

Sec. 34–101 (a1919). State grain inspection department established.—That a department of record for the inspection, sampling, sampling for inspection and weighing of grain is hereby established, to be called the State grain inspection department. Said department shall have full charge of the inspection, sampling, sampling for inspection and weighing of grain at all railroad terminals, public warehouses and mills, or other points within the State wherever the business transacted will, by the fees provided by law, pay the salary of an assistant inspector and weighmaster, or wherever, upon request by parties interested, to the chief inspector, he may establish inspection and arrange that the officer in charge accept as full compensation for his services an amount equal to the net revenue obtained at such a place, or a guaranteed salary by the industries at such station: *Provided*, That the owner may direct that his grain may not be inspected by writing or stamping upon the bill of lading thereof "No inspection desired," or words to that effect.

Rev. Stats., 1923, ch. 75, p. 1253.

Sec. 75–1701 (1907). Appointment of chief inspector.—It shall be the duty of the governor to appoint a suitable person, to be confirmed by the senate, who shall be known as the chief inspector of grain for the State of Kansas, whose term of service as such shall continue for two years from date of his appointment, unless removed for cause. Said inspector shall not, directly or indirectly, be interested in buying or selling grain, either on his own account or for others, nor shall he be directly or indirectly interested in handling or storing grain as a public warehouseman or on private account during his term of office.

Sec. 75–1703 (a1921). Chief inspector and assistants; duties.—The chief inspector shall be authorized to recommend to the governor suitable inspector and supervising inspector, who shall be qualified to superintend the work of the inspectors and other employees and assist the chief inspector in the executive duties of the department. The chief inspector shall be authorized to recommend to the governor a suitable person as a supervising weighmaster who shall be qualified to superintend the work of the weighmasters at the various inspection points within the State. The chief inspector shall be authorized to recommend to the governor suitable and qualified persons as assistant inspectors or assistant weighmasters to be acting inspectors or weighmasters, in the absence of the chief inspector, who shall not be interested in any public or private grain warehouse, or in buying or selling of grain, either directly or indirectly, and also such other employees as may be necessary to properly conduct the business of his office; and the governor shall be authorized to make such appointments, if found by him to be necessary.

Rev. Stats., 1923, ch. 34, p. 568.

Sec. 34–102 (a1921). Powers and duties of chief inspector.—It shall be the duty of the chief inspector to have a general supervision of the inspection, sampling, sampling for inspection and weighing of grain, as required by this act or the laws of the State; to supervise the handling, inspection, sampling, sampling for inspection and weighing and storage of grain; to establish necessary rules and regulations therefor, and for the management of the public warehouses of the State, as such rules and regulations may be necessary to enforce the provisions of this act or any law of this State in regard to the same; to keep proper records of all the inspection, sampling, sampling for inspection and weighing done into and out of warehouses licensed by law to do business in this State, for which purpose he shall have provided books, blanks and other material needed in order to keep perfect and proper records. He shall investigate all complaints of fraud or oppression in the grain trade, and correct the same so far as may be in his power. It is hereby declared unlawful for boards of trade, chambers of commerce, or any civic or commercial organizations of similar character, to have charge of weighing or issue certificates of weight on grain at any point within the State. All certificates of weight, except those issued by private industries for the purpose of making settlement with their own customers, shall be issued by officials or employees of the Kansas State grain inspection and weighing department, on the regular form of weight certificate adopted and approved by the chief inspector. All scales over which official State weights of carlots of grain are taken shall be equipped with type-registering beams, in order that an original punched scale ticket may be taken of each draft weighed. The original punched scale tickets shall become the property of the Kansas State grain inspection and weighing department, and shall be filed as a record of the weight. It is hereby declared unlawful for any person, company or corporation to install or continue to maintain at any elevator, mill or warehouse where official State weights are given, any blower, suction fan, cleaner or other device for the purpose of removing dirt, seeds, sticks, chaff or any like substance from grain unloaded into said elevator, mill or warehouse before the grain has been officially weighed. It is hereby declared to be unlawful for any person, persons, firm or corporation to in any manner change or alter an official State inspection or weight certificate after it has been issued. Where an official State weight certificate has been issued on any lot of grain the purchaser must make settlement on the basis of the amount of grain shown on the said weight certificate. Any person, persons, firm or corporation, who shall violate the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not less than one hundred dollars or more than five hundred dollars or imprisoned in the county jail for a period of not less than thirty days or more than one year or both fine and imprisonment.

Sec. 34–103 (a1920). Fees; collection of fees; penalty for refusing officers access to scales, elevators, etc.—That the fees for services of the officers of the department shall not exceed the following, but may be reduced by the chief inspector when in his judgment such reduced fees will pay the running expenses of this department: For inspect-

ing or sampling each carload, and moisture tests, one dollar; for inspecting each wagon or cart load, ten cents; for weighing in or out of elevators or warehouses, one dollar per car; duplicate certificates ordered after service is performed, ten cents; extra moisture tests, twenty-five cents; extra samples, twenty-five cents. The chief inspector shall have the power to fix the manner in which the fees shall be collected. In case any persons, warehouse or railroad corporation or any of their agents or employees shall refuse or prevent the officers of the department from having access to their scales, elevators, warehouses and other places in the regular performance of their duties in inspecting, sampling, sampling for inspection and weighing grain or other property in accordance with the tenor and meaning of this act or any other law now in force or that may be enacted in relation to the same, such persons or corporations shall be guilty of a misdemeanor.

Sec. 34–104 (1915). Charges for inspection, sampling and weighing of grain in transit treated as advanced charges and paid by carrier.—That the charges for inspection, sampling and weighing of grain so inspected, sampled or weighed, and whenever such grain is in transit the said charges shall be treated as advanced charges, shall be collected and paid by the common carrier in whose possession the same is at the time of such inspection, sampling or weighing.

Sec. 34–105. Neglect of duty; inspecting, grading or weighing grain improperly; accepting money for such neglect of duty, etc.; punishment.—That any duly authorized chief inspector, assistant inspector or weighmaster of grain under this act who shall be guilty of neglect of duty, or who shall knowingly or carelessly inspect, grade or weigh any grain improperly, or who shall accept any money or other valuable consideration, directly or indirectly, for any neglect of duty as such grain inspector, assistant inspector or weighmaster, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in the sum of not less than five hundred dollars nor more than one thousand dollars, or shall be imprisoned in the county jail not less than six months nor more than twelve months, or both such fine and imprisonment, in the discretion of the court, and upon conviction of any such offense, such chief inspector, assistant inspector or weighmaster shall forfeit his office.

Sec. 34–107. Chief inspector, assistants, etc., to have exclusive control of inspection, etc., where inspection established; certificate of officer conclusive unless appealed from.—That the chief inspector and assistants and officers of the grain inspection department shall have exclusive control of the inspection, sampling, sampling for inspection and weighing of grain in all places where inspection, sampling, sampling for inspection or weighing is or shall be established under this act; the action and certificate of such officer shall be conclusive to all parties interested, unless appealed from as provided by law.

Sec. 34–113 (1905). Weight to be furnished shipper.—That any shipper of grain, which grain has been weighed by the grain inspection department of this State, may, on request in writing to the chief inspector and enclosing a stamp for reply, receive, and it shall be the duty of the chief inspector to furnish such shipper, free of charge, the weight of any such grain, by forwarding to him promptly a statement showing such weights: *Provided*, That such

written request shall set forth the number and initials of the cars, the weights of which are so desired.

Sec. 34–114 (1921). Track and hopper scales, testing of; fees.—All track and hopper scales in the State over which grains are officially weighed shall be tested by a qualified scale expert in the employ of the Kansas grain inspection and weighing department. The fee for such test shall be fifteen dollars, which fee shall be paid by the industry for which the test is made, but in no case shall the fees exceed thirty dollars for any scale during one year: *Provided, however*, That any party interested in the weighing of grain over any scale may request a test at any time and upon such request the chief inspector shall cause such test to be made. If the scale is found incorrect the fee for the test shall be paid by the owner otherwise by the party requesting the test. The fees for the above shall be paid to the chief inspector and by him remitted to the State treasurer and credited to the Kansas State grain inspection revolving fund in the same manner as other fees collected: *Provided*, No fee shall be collected from any railroad company owning and maintaining its own scales.

Sec. 34–115. Track scale, purchase of authorized.—The chief grain inspector is hereby authorized to purchase under the direction and with the approval of the executive council of the State a railroad scale test car, for testing track and hopper scales. The cost of said scale test car shall be paid for out of the grain revolving fund in the same manner as the other expenses of the grain inspection and weighing department.

Sec. 34–116 (1923). Transportation of scale test-weight car and scale inspector.—Whereas, it is necessary to convey by railway the scale test-weight car of the Kansas State grain inspection and weighing department from place to place, to correct scales of the grain industry of the State, so as to obtain correct weights for weighing grain and other commodities; and the railroads of the State receive a good and valuable consideration because of the correction of the weights of the grain and commodities weighed and transferred over their lines; and that no charge therefor should be made by the railroads for hauling and transferring said car and that the railroads shall furnish free transportation for the scale inspector or his assistant.

Sec. 34–117. Duty to make such transportation.—That all railroads in the State shall be and are hereby required to haul and transfer on their lines or railroads the scale test-weight car of the Kansas State grain inspection and weighing department free of charge therefor, and furnish free transportation to the State scale inspector of scales or his assistant or deputy, from place to place, as directed by the chief grain inspector of the State.

Sec. 34–118 (1921). Scale test car, free movement of.—Every railroad or common carrier shall transport, move and switch to any track or hopper scale in the State over which the Kansas State grain inspection and weighing department issues official weights, free of charge, on application of the chief grain inspector or his authorized agent, any scale test car used by the State for testing track or hopper scales.

Sec. 34–213 (a1921). Inspection of warehouse scales; penalty for use of incorrect scales.—* * * and all scales used for weighing of prop-

erty in terminal or local public warehouses shall be subject to examination and test by any duly authorized inspector, weighmaster or sealer of weights and measures, at any time when required by any person or persons, agent or agents, whose property has been or is to be weighed on said scales. Any terminal public warehouseman or local public warehouseman who may be guilty of continuing to use scales found to be in an imperfect and incorrect condition by said examination and test, until the same have been pronounced correct and properly sealed, shall be liable to be proceeded against as hereinafter provided.

Sec. 34–220 (1921). Grain standard bushel.—No person purchasing, selling, or storing grain in any terminal public warehouse or local public warehouse in this State, as the same is now or may be hereafter defined by law, shall use any other measure for such grain than the standard bushel, and no other number of pounds shall be used or called a bushel than the number of pounds provided by law as the standard weight of the kind of grain in question.

Sec. 34–315 (1917). Weighing.—That the State grain inspector shall cause all hay and straw inspected under the provisions of this act to be weighed by his department at such places as may be prescribed by the rules and regulations established by the State grain inspector: *Provided*, That the fee for such weighing shall not exceed fifty cents per car.

Rev. Stats., 1923, ch. 66, p. 1037.

Sec. 66–250 (1893). Track scales.—That each and every railway company operating a railway wholly or partly within this State shall, on or before the first day of July, A. D. 1893, construct and provide, and thereafter keep and maintain in good order, a track or car scale of sufficient capacity and suitable for weighing grain in carload lots and in the car, at each and every town or station upon its line of railway or the line of railway operated by it, from which the aggregate of grain shipments on all railways shall be one hundred cars or more of grain and seeds during the year 1892.

Sec. 66–251. Points entitled to scales; proviso; railway may accept shipper's weights.—Any town or station not now entitled to track scales under this act, but from which there shall hereafter be shipped in any calendar year one hundred cars or more of grain, seeds or hay, shall be entitled to the benefits of this act; and any railway company operating a railway upon which such town or station is located shall construct, provide, keep and maintain a track or car scale at such town or station, as provided by section one, within six months after the expiration of such calendar year: *Provided, however*, That any railway company may elect to accept the weights of any public weigher, or the weights of the shipper, and shall have the right to demand that the weights of such shipper shall be verified by affidavit; and in case they so elect, shall not be required to put in scales, and shall not be liable to the penalties prescribed in this act for failure to put in scales.

Sec. 66–252. Other stations.—At stations not entitled to car scales by the provisions of this act it shall be the duty of such railway company to weigh at one of the stations nearest to such station having no such scales, and such cars before and after loading, and to

give to such shipper a like receipt as provided in section 6 of this act: *Provided*, That such weighing before loading may be on one side of the point of shipment, and after loading on the other side of the point of shipment.

Sec. 66–253. Manner of weighing.—Each railway company operating a railway at any station or town in this State entitled to track scales under this act shall correctly weigh all cars immediately before and immediately after being loaded with grain, seeds or hay, said cars to be detached from engine and other cars when weighed, and such weighing to be done in the presence of the shipper of such grain or seeds, if so demanded by him.

Sec. 66–254. Fees.—Such railway company shall be entitled to collect and receive from the person shipping such grain, seed or hay, the sum of twenty-five cents for each car of such grain or seed so weighed, as compensation for such weighing.

Sec. 66–258. Penalty.—Any railway company neglecting for six months after the taking effect of this act to put in the car scales heretofore provided for shall be liable to a penalty of one hundred dollars per day for each station at which such neglect occurs, until the same is put in as herein provided.

Sec. 66–260 (1923). Card giving weight of grain in car.—That every shipper of grain from any point in the State of Kansas shall fasten upon the inside of each car shipped by him a card giving car number, initial, date of shipment, and the exact weight of grain in such car as claimed by shipper. If he fails so to do, the official weight shall be prima facie evidence of the quantity of grain shipped in the car.

Sec. 66–279 (1913). Railroads maintain scales for weighing live stock.—It shall be the duty of every railway company or corporation owning or operating a line or railway in this State, to construct and maintain scales for the weighing of live stock at all stations where live stock is received for shipment: *Provided*, This act shall not apply to stations receiving for shipment less than fifty cars of live stock per annum for the two years last past.

Sec. 66–2114 (1905). Railway to weigh cars of coal.—That each and every railway company operating a railway wholly or partly within this State shall weigh each and every car of coal intended for shipment over their line before and after being loaded.

Sec. 66–2115. Manner and time of weighing.—The empty car or cars to be loaded shall be detached from the engine and other cars and weighed within twenty-four hours before loading, and after the said car is loaded it shall be detached from the engine and other cars and weighed within forty-eight hours after being loaded.

Sec. 66–2116. Certificate of weight.—A certificate of the weights of each car so weighed, showing the date of weighing said car empty and the weight of same, and the date of weighing said car loaded and the weight of same, and the net weight and number of the said car, shall be issued by the weighmaster and attached to the way bill covering the said shipment. At the destination this certificate shall be attached to the freight expense bill and shall become a part of the same, and shall be delivered to the consignee on the payment of all the freight charges.

Sec. 66–2117. Weighmasters; oath, bond; penalty for violation by weighmaster.—A competent weighmaster shall be employed by said

railway companies, and said weighmaster shall subscribe an oath or affirmation before an authorized officer and give good and sufficient bond in the sum of one thousand dollars to his employer that he will perform his duties in accordance with this act in every particular; and any weighmaster or person so employed under this act who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred nor more than five hundred dollars for each offense, or by imprisonment in the county jail not exceeding six months, or by both said fine and imprisonment.

Sec. 66–2118. Penalty for violation by railway company.—Any railway company neglecting to weigh coal as provided by this act shall be liable to a fine of one hundred dollars for each and every car not so weighed, to be recovered in an action brought in the name of the State in any court of competent jurisdiction.

Rev. Stats., 1923, ch. 49, p. 745.

Sec. 49–241 (a1913). Unlawful to sell, offer for sale, etc., at any coal mine any black powder except in original twenty-five pound packages.—It shall be unlawful for any individual, firm or corporation to sell, offer for sale or deliver for use at any coal mine or coal mines in the State of Kansas black powder in any manner except in original packages containing twenty-five pounds of powder, said packages to be securely sealed: Said powder to be delivered by the company to the miner at his switch.

Sec. 49–301 (1893). Weighing of coal at mine.—It shall be unlawful for any mine-owner, lessee or operator of coal mines in this State, employing miners at bushel or ton rates or other quantity, to pass the output of coal mined by said miners over any screen or other device which shall take any part from the value thereof before the same shall have been weighed and duly credited to the employes and accounted for at the legal rate of weights as fixed by the laws of Kansas.

Sec. 49–302. Weighman, oath; penalty for violation.—The weighman employed at any mine shall subscribe an oath or affirmation, before a justice of the peace or other officer authorized to administer oaths, to do justice between employer and employee, and to weigh the output of coal from mines in accordance with the provisions of section one of this act. Said oath or affirmation shall be kept conspicuously posted in the weigh-office, and any weigher of coal or persons so employed who shall knowingly violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five nor more than one hundred dollars for each offense, or by imprisonment in the county jail for a period not to exceed thirty days or by both such fine and imprisonment.

Sec. 49–303. Check-weighman.—The miners employed by or engaged in working for any mine-owner, operator or lessee in this State shall have the privilege, if they so desire, of employing at their own expense a check-weighman, who shall have like rights and privileges in the weighing of coal as the regular weighman, and be subject to the same oath and penalties as the regular weighman.

Sec. 49–304. Penalty for fraudulent use of scales.—Any person or persons having or using any scale or scales for the purpose of weigh-

ing the output of coal at mines, so arranged or constructed that fraudulent weighing may be done thereby, or who shall knowingly resort to or employ any means whatever by reason of which such coal is not correctly weighed, and reported in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and shall upon conviction for each offense be punished by a fine of not less than two hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period not to exceed sixty days or by both such fine and imprisonment.

Sec. 49–305 (1893). Contracts, agreements, etc., waiving, modifying or annulling provisions of sec. 49–301, ante, void and of no effect; coal sent to surface shall be accepted or rejected; weighed, etc., when accepted.—Any provisions, contract or agreement between mine owners or operators thereof and the miners employed therein whereby the provisions of section 1 of this act are waived, modified, or annulled, shall be void and of no effect; and the coal sent to the surface shall be accepted or rejected, and if accepted shall be weighed in accordance with the provisions of this act; and right of action shall not be invalidated by reason of any contract or agreement.

Sec. 49–306. Provisions of act apply to loaders in mines where mining done by machinery; output to be weighed in accordance with provisions of this act.—The provisions of this act shall also apply to the class of workers in mines known as loaders, engaged in mines wherein mining is done by machinery. Whenever the workmen are under contract to load coal by the bushel, ton, or any quantity the settlement of which is had by weight, the output shall be weighed in accordance with the provisions of this act.

Sec. 49–307 (1903). Inspection of scales at mines; penalty.—That the secretary of mine industries of the State of Kansas shall be ex officio inspector of weights, measures and scales used at coal mines, and he or his deputies are hereby empowered, and it shall be his or their duty, to test the scales used to weigh coal mined in the mines of this State at least once every six months, to ascertain whether or not such scales correctly measure the weight of such coal; and if defects or irregularities are found in such scales which prevent correct weights and measurements, the inspector shall call the attention of the mine owner, agent or operator to said defects, and direct that the same be at once properly adjusted and corrected. If the owner, agent or operator of any coal mine in this State shall refuse to allow such inspector or his deputies to properly test the scales used at such mine or mines, or shall fail or refuse to put such scales in proper adjustment and condition, so that the same shall correctly weigh the coal mined, after being notified by said inspector or his deputy so to do, such owner, agent or operator shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five hundred dollars, or be confined in the county jail not exceeding six months, or both, in the discretion of the court; and it shall be the duty of the presecuting [prosecuting] attorneys in the respective counties to prosecute any person, firm or corporation violating the provisions of this section, the same as in other misdemeanor cases.

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Carroll's Stats., 1922, ch. 134, p. 2296.

Sec. 4815°. Standard.—The weights, measures and balances received from the Government of the United States, now in the custody of the secretary of state, shall continue in the custody of that officer, and shall be the standard of weights and measures in this State.

Sec. 4816. Duplicates furnished counties.—The governor shall cause duplicates of those weights, measures and balances to be made for such counties as may not have the same; and upon his written certificate of the cost, the auditor shall give a warrant on the treasury therefor.

Sec. 4819a (1906). Milling; standard measure required; penalty for failure.—It shall be unlawful for any person, commission merchant, miller, dealer, grain inspector, corporation, company, firm or association, either by himself, itself, officer, agent or employee, when purchasing wheat or receiving it in barter or exchange for flour or otherwise, from the owner, his agent or employe, to use for the purpose of testing or determining the weight, grade, milling or market value of wheat, any measure other than the standard half-bushel measure furnished this State by the United States; and the use of any fractional part of said standard half-bushel measure for such purpose will be a violation of this section. It shall likewise be unlawful to use anything other than a straight stick with the edges square for leveling the wheat in said half-bushel measure for the purpose of testing the weight, grade, milling or market value of wheat: *Provided*, That the provisions of this section shall not apply to wheat or grain that is inspected or graded by the carload under the regulations of any board of trade. Any person violating any of the provisions of this section shall, on conviction, be fined not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00), to which may be added imprisonment in the county jail not exceeding six months.

Sec. 4820°. Hundredweight; ton.—The hundredweight shall consist of one hundred pounds avoirdupois, and two thousand such pounds shall constitute a ton; and all contracts hereafter made shall be construed accordingly, unless the contrary be stipulated.

Sec. 4821 (a1894). Bushel; weight of different articles; legal weights per bushel of certain produce.—The following weights shall constitute a bushel of each article named, respectively.[1]

	Pounds		Pounds
Wheat	60	Corn,[2] ear, in the shuck	75
Shelled corn	56	Rye	56
Corn in the ear, 70 pounds from the first of November to the first of May following, and from first of May to the first of November following	68	Oats, shelled	32
		Barley	47
		Irish potatoes	60
		Sweet potatoes	55
		White beans	60

[1] For convenience in printing a slight change has been made in arrangement of these articles.

[2] See acts, 1924, ch. 5 sec. 1, immediately following this section.

	Pounds
Castor beans	45
Clover seed	60
Timothy seed	45
Flaxseed	56
Millet seed	50
Peas	60
Blue-grass seed	14
Buckwheat	56
Dried apples	24
Dried peaches	39
Onions	57
Bottom onion sets	36
Salt	50
Stone coal [3]	76
Bran	20
Plastering hair	8
Turnips	60
Unslaked lime	35
Corn meal	50
Fine salt	55
Hungarian grass seed	50
Ground peas	24
Orchard grass seed	14
English blue-grass seed	14
Hempseed	44

Acts, 1924, ch. 5, p. 8.

Sec. 1. Bushel of corn, weight.—The standard weight of a bushel of ear corn in the shuck shall be seventy-five pounds avoirdupois.

Carroll's Stats., 1922, ch. 134, p. 2296.

Sec. 4822 (1869–70). Irish potatoes, pounds to barrel.—One hundred and sixty pounds net of Irish potatoes shall constitute a merchantable barrel.[4]

Sec. 4823. Coal, penalty for selling unscreened for screened.—Any person selling unscreened coal for screened coal shall be subject to a fine of not less than five ($5.00) nor more than twenty dollars ($20.00), recoverable by warrant before a justice of the peace.

Sec. 4823a (1898). Hemp; hundredweight; ton.—That the hundredweight of hemp shall consist of one hundred pounds avoirdupois, and two thousand such pounds shall constitute a ton, and all contracts hereafter made shall be so construed. Any person violating this act shall be fined in a sum of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) for each offense.

Sec. 4823b–1 (1920). Standard weight of corn meal, grits, hominy and corn flour.—That the standard weight for corn meal, grits, hominy and corn flour shall be one hundred pounds avoirdupois, and the standard measure for such commodities shall be packages containing net avoirdupois weight one pound, two pounds, three pounds, four pounds, five pounds, ten pounds, twenty-five pounds, fifty pounds, and one hundred pounds, or multiples of one hundred pounds.

Sec. 4823b–2.—That it shall be unlawful for any persons to pack for sale, sell or offer for sale in this State, any corn meal, grits, hominy or corn flour, except in bags or packages containing by standard net avoirdupois weight one pound, two pounds, three pounds, four pounds, five pounds, ten pounds, twenty-five pounds, fifty pounds and one hundred pounds, or multiples of one hundred pounds, respectively. Each bag or package shall have plainly and legibly printed or marked thereon the net weight of contents thereof, in pounds avoirdupois, and such weights shall be a true and correct statement thereof: *Provided, however*, That the provisions of this section shall not apply to the retailing of meal direct to consumers from bulk stock when purchased and delivered by actual weight or measure, or to exchange of corn for meal by mills grinding for toll, and that nothing herein contained shall be held to apply to any

[3] The term coal includes anthracite, cannel, bituminous, and other mined coal.
[4] See footnote, p. 20, relative to Federal standard barrel law.

cereal product packed and distributed as a specialty, in identified original packages, the net contents of which weigh less than five pounds avoirdupois.

Sec. 4823b–3.—That any violation of this act shall be a misdemeanor and, upon conviction, the offender shall be fined not less than twenty-five ($25.00) nor more than five hundred dollars ($500.00) for each offense.

Carroll's Stats., 1922, ch. 89, p. 1350.

Sec. 2755 (1893). Inspector of weights and measures; salary; penalty.—The general council [of cities of the first class, Louisville] shall, by ordinance, provide suitable penalties for the punishment of persons who knowingly use defective or imperfect weights and measures, and may provide for an inspector or inspectors of weights and measures. He shall have exclusive power to inspect weights and measures in the city, and he shall be paid a salary by the city. No fees shall be charged or received for such services. Nothing in this section shall be construed so as to interfere with the term of office or fees of the present sealer of weights and measures for Jefferson County.

Sec. 3058 (1906). General council; ordinances and powers of council generally.—The general council [of cities of the second class (Lexington, Covington, Newport, and Paducah)] shall have power by ordinance—

Sec. 3058–11. Weights and measures.—To establish and regulate the standard of weights and measures to be used in the city, and to provide for the inspection of all weights and measures, and to compel dealers in all kinds of coal to weigh the same on public scales, and to establish, license, tax and regulate public scales, and the charges for the use of the same; to make provisions for the inspection and measurement of lumber and other building material * * *; for the inspection and weighing or measuring hay, coal, charcoal, firewood, and all other kinds of fuel to be used in the city; for the inspection of butter, cheese, milk, lard and all other provisions; for regulating the weight and quality of bread: *Provided*, That nothing herein shall be so construed as to authorize an inspection of any article enumerated in this subdivision which is to be shipped beyond the limits of the city, except at the request of the owner thereof; * * *

Sec. 3290 (1914). Council; power by ordinance; weights and measures; inspection and measurement of lumber; inspection and weighing of stone, coal, hay and grain.—The common council of each of said cities [of the third class, Owensboro, Henderson, Frankfort, Bowling Green, Middlesboro, Hopkinsville, Ashland, Maysville, and Corbin] shall, within the limitations of the constitution of the State and this act, have power by ordinance: * * *

17. To establish standard weights and measures to be used in the city.

18. To provide for the inspection and measuring of lumber and other building materials.

19. To provide for the inspection and weighing or measuring of stone, coal, wood and fuel, hay, corn and other grain, and produce of all kinds.

Sec. 3490 (1893). General powers of the council; public scales; public weigher; weights and measures; coal weighed; oil inspected.—The board

of council [of cities of the fourth class—Shelbyville, Richmond, Winchester, Dayton, Paris, Catlettsburg, Danville, Mt. Sterling, Georgetown, Versailles, Harrodsburg, Bellevue, Cynthiana, Mayfield, Lebanon, Ludlow, Nicholasville, Pineville, Madisonville, Princeton, Fulton, Lawrenceburg, Russelville, Carrollton, Central City, Franklin, Barboursville, Providence, Morganfield, Pikeville, Somerset, Murray, Harlan, Elizabethtown, Jackson, Hazard, Highland Park, Hickman, Scottsville, Earlington, Olive Hill, Irvine, Marion, Clifton and Fort Thomas], in addition to other powers herein granted, shall have power within the city: * * *

18. To erect and keep in repair accurate public scales, and to appoint a public weigher or weighers to attend to the same, and to fix fees and compensation for his services; to establish standard weights and measures, and to regulate the weights and measures to be used in the city in all cases where the same are not provided for by law.

19. To pass ordinances requiring all coal sold and to be delivered in or out of the city to be weighed by the public weigher, and to fix adequate penalties for the violation of the same. * * *

Sec. 3620. City weigher.—The city council [of cities of the fifth class] may appoint * * * a city weigher * * * for a term of two years, but either may be removed at the pleasure of the council.

Sec. 3685. Town weigher.—The board of trustees of towns [of the sixth class] may appoint a * * * town weigher, and town physician, each of whom shall hold office for two years, but may be removed at the pleasure of the board of trustees. * * *

Carroll's Stats., 1922, ch. 46a, p. 772.

Sec. 1719a–1 (1906). Commercial feeding stuffs to be labeled; what label shall state.—Every bag, barrel or other package of concentrated commercial feeding stuff,[5] manufactured, sold, offered or exposed for sale in, or imported into, this State, shall have securely attached a tag or label, and plainly printed thereon the number of net pounds of concentrated commercial feeding stuff in the package, the name, brand or trademark under which the concentrated commercial feeding stuff is sold; the name and address of the manufactured * * * *Provided*, That all concentrated commercial feeding stuffs shall be in standard weight bags or packages of no other than fifty, one hundred, one hundred and fifty, or two hundred pounds each, or less than fifty pounds, or sold in bulk. * * *

Carroll's Stats., 1922, ch. 50, p. 807.

Sec. 1822–1 (1898). Sample to be furnished director of experiment station before sale.—In each year, before any person or company shall sell, offer or expose for sale in this State any commercial fertilizer, said person or company shall furnish to the director of the agricultural experiment station of the Agricultural and Mechanical College of Kentucky, which station is hereby recognized as the "Kentucky agricultural experiment station," a sealed quantity of such commercial fertilizer, not less than one pound, sufficient for analysis, accompanied by an affidavit that the sample so furnished is a fair and true sample of a commercial fertilizer which the said person

[5] See sec. 1719a–2 for definition.

or company desires to sell in this State, and said affidavit shall also state the name and address of the manufacturer, the name of the fertilizer, the number of net pounds in each package * * *.

Sec. 1822–2 (a1904). Labels containing analysis furnished by director.—The director of said experiment station, upon receipt of affidavit and sample as provided for in section one, * * * shall issue to said person or company a sufficient number of labels, to tag not less than twenty (20) tons of said fertilizer, in which label shall be printed the name and address of the manufacturer, the name of the fertilizer, the number of net pounds in each package, * * *

Sec. 1822–3 (1894). Penalty for violation of law.—Every bag or other package or quantity of any commercial fertilizer, in any shape or form whatever, sold or offered for sale in this State, shall have attached to it in a conspicuous place a label as provided in section 2.

Carroll's Stats., 1922, ch. 53a, p. 839.

Sec. 1905a–32 (1916). Unpacked apples in barrels; size of standard barrel.—This act [specifying standard grades and regulating the packing of apples] shall not apply to unpacked apples actually transported in barrels to storage within this State until the same are removed from storage for the purpose of marketing, sale, transportation or distribution. The standard barrel [6] for apples shall be of the following dimensions when measured without distention of its parts: Length of stave, twenty-eight and one-half inches; diameter of head, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of bulge, sixty-four inches outside measurement, representing as nearly as possible seven thou sand and fifty-six cubic inches: *Provided*, That steel barrels containing the interior dimensions provided for in this section shall be construed as a compliance therewith.

Sec. 1905a–46 (1918). Weights and samples of milk and cream.—That it shall be unlawful for any hauler of milk or cream or other person, or creamery, or other milk plant or agent, receiving milk or cream by weight or test or by weight and test, to fraudulently manipulate the weights of milk or cream of any patron, or to take unfair samples thereof, or to fraudulently manipulate such samples. The hauler shall weigh the milk or cream of each patron accurately and correctly and shall report such weights accurately and correctly to the factory. He shall thoroughly mix the milk or cream of each patron by pouring and stirring until such milk or cream is uniform and homogeneous in richness, before the sample is taken from such milk or cream. When the weighing or sampling of the milk or cream of each patron is done at the creamery, shipping station or other factory, firm, corporation or individual buying and paying for milk or cream on the basis of the butterfat contained therein, the same rule shall apply.

Sec. 1905a–47. Glassware for testing milk and cream for butterfat.—Every person, firm, company, association, corporation or agent thereof, buying and paying for milk or cream on the basis of amount of butterfat contained therein as determined by the Babcock test, shall use standard Babcock test bottles, pipettes and weights, and accurate scales, as defined in section 13 [sections 1905a–57 to 1905a–

[6] See note, p. 20, relative to the Federal standard barrel.

59, inclusive] of this act, and all Babcock test bottles, pipettes and weights shall have been inspected for accuracy by the Kentucky Agricultural Experiment Station, or its deputy, and shall be legibly and indelibly marked by the said Kentucky Agricultural Experiment Station, or its deputy, with the letters "S. G. K." (Standard Glassware, Kentucky). No bottle, pipette or weight shall be used for such test unless so examined and marked by said Kentucky Agricultural Experiment Station. It shall be unlawful for any person, firm, company, association, corporation, or any of their agents, to use any other than standard test bottles, pipettes and weights which have been examined and marked as provided in this section, to determine the amount of fat in the milk or cream bought and paid for on the butterfat basis.

Sec. 1905a–48. Unlawful tests.—It shall be unlawful for any person, firm or corporation, by himself or as the officer, servant, agent or employee of any person, firm or corporation, buying and paying for milk or cream on the basis of the amount of fat contained therein, to underread, overread or otherwise fraudulently manipulate the Babcock test used for determining the per cent of fat in milk or cream, or to falsify the record thereof, or to read the test at any temperature except the correct temperature, which is 135 degrees to 140 degrees Fahrenheit, or to pay on the basis of any measurement or weight except the true measurement or weight, which is seventeen and six-tenths (17.6) cubic centimeters for milk and nine (9) grams for cream. This section further provides that in all tests the cream shall be weighed into the test bottles.

Sec. 1905a–49. License for the tester.—Every creamery, shipping station or other factory, or person, or agent, receiving, buying and paying for milk or cream on the basis of the amount of butter fat contained therein shall have in its employ a licensed tester who shall supervise and be responsible for the operation of the Babcock test of milk and cream. * * *

Sec. 1905a–57. Standard Babcock testing glassware defined.—The term "standard Babcock testing glassware" shall apply to glassware and weights complying with the following specifications:

(*a*) STANDARD MILK TEST BOTTLES.—Graduation: The total per cent graduation shall be 8. The graduated portion of the neck shall have a length of not less than 63.5 millimeters (2½ inches). The graduation shall represent whole per cent, five-tenths per cent, and tenths per cent. The tenths per cent graduations shall not be less than 3 millimeters in length, the five-tenths per cent graduations shall be 1 millimeter longer than the tenths per cent graduations, projecting 1 millimeter to the left; the whole per cent graduations shall expend [extend] at least one-half way around the neck to the right and projecting 2 millimeters to the left of the tenths per cent graduations. Each per cent graduation shall be numbered, the number being placed on the left of the scale. The error at any point of the scale shall not exceed one-tenth per cent.

Neck: The neck shall be cylindrical and the cylindrical shape extend for at least 9 millimeters below the lowest and above the highest graduation mark. The top of the neck shall be flared to a diameter of not less than 10 millimeters.

Bulb: The capacity of the bulb up to the junction of the neck shall not be less than 45 cubic centimeters. The shape of the bulb may be either cylindrical or conical with the smallest diameter at the bottom. If cylindrical, the outside diameter shall be between 34 and 36 millimeters; if conical, the outside diameter of the base shall be between 31 and 33 millimeters, and the maximum diameter between 35 and 37 millimeters.

The charge of the bottle shall be 18 grams.

The total height of the bottle shall be between 150 and 165 millimeters (5⅞ and 6½ inches).

(*b*) STANDARD CREAM TEST BOTTLES.—Two types of bottles shall be accepted as standard cream test bottles, a 50 per cent, 9 gram short-neck bottle, and a 50 per cent, 9 gram long-neck bottle.

FIFTY PER CENT, 9-GRAM SHORT-NECK BOTTLES.—Graduation: The total per cent graduation shall be 50. The graduated portion of the neck shall have a length of not less than 63.5 millimeters (2½ inches). The graduation shall represent five per cent, one per cent and five-tenths per cent. The five per cent graduation shall extend at least half way around the neck (to the right). The five-tenths per cent graduations shall be at least 3 millimeters in length, and the one per cent graduation shall have a length intermediate between the five per cent and the five-tenths per cent graduations. Each five per cent graduation shall be numbered, the number being placed on the left of the scale. The error at any point of the scale shall not exceed five-tenths per cent.

Neck: The neck shall be cylindrical and the cylindrical shape shall extend at least 9 millimeters below the lowest and 9 millimeters above the highest graduation mark. The top of the neck shall be flared to a diameter of not less than 10 millimeters.

Bulb: The capacity of the bulb up to the junction of the neck shall not be less than 45 cubic centimeters. The shape of the bulb may be either cylindrical or conical with the smallest diameter at the bottom. If cylindrical, the outside diameter shall be between 34 and 36 millimeters; if conical, the outside diameter of the base shall be between 31 and 33 millimeters and the maximum diameter between 35 and 37 millimeters.

The charge of the bottle shall be 9 grams. All bottles shall bear on top of the neck above the graduation, in plain, legible characters, the mark defining the weight of the charge to be used (9 grams).

The total height of the bottle shall be between 150 and 165 millimeters (5⅞ and 6½ inches), same as standard milk test bottles.

FIFTY PER CENT, 9-GRAM LONG-NECK BOTTLES.—The same specifications in every detail as specified for the 50 per cent, 9-gram short-neck bottles shall apply for the long-neck bottle, with the exception, however, that the total height of this bottle shall be between 210 and 235 millimeters (8¼ and 8 7/7[7] inches) and the total length of the graduation shall not be less than 120 millimeters.

Sec. 1905a–58. The standard Babcock pipette.—Total length of pipette not more than 330 millimeters (13¼ inches). Outside diameter of suction tube, 6 to 8 millimeters. Length of suction tube, 130

[7] Evidently erroneous. Based on the value of 39.37 inches to the meter, 210 mm equal 8.268 inches and 235 mm equal 9.252 inches.—ED.

millimeters. Outside diameter of delivery tube, 4.5 to 5.5 millimeters. Length of delivery tube, 100 to 120 millimeters. Distance of graduation mark above bulb, 30 to 60 millimeters. Nozzle straight. Delivery, 17.6 cubic centimeters of water to 20 degrees C. in five to eight seconds.

Sec. 1905a–59. Standard weights.—The standard weight shall be nine grams.

Carroll's Stats., 1922, ch. 63, p. 928.

Sec. 2060a–1 (1918). "Food" defined.—That the term food, as used in this act, shall include every article used for or entering into the composition of food or drink for man or domestic animals, including all liquors.

Sec. 2060a–2. Food deemed misbranded, when.—For the purpose of this act, an article of food shall be deemed misbranded:

4. If it be misrepresented as to weight or measure, * * *.

Carroll's Stats., 1922, ch. 71, p. 1035.

Sec. 2186°. Inspection warehouses; county court may establish upon application.—An inspection warehouse outside of a city may be established by the county court of the county wherein it is located, upon the application of any person entitled as owner or lessee, but the same shall not be established unless the warehouse be built of such material and in such manner as to prevent injury to articles stored therein.

Sec. 2187. Scales and balances to be provided.—Scales, steel yards, or patent balance, with suitable weights sufficient to weight at least one ton, shall be provided as appurtenant to the warehouse.

Sec. 2196. Selling articles under weight.—Whoever shall sell or offer to sell any barrel or other package of such article [of which he is appointed inspector], knowing the article not to be of the weight or quantity, after allowing for ordinary weight or loss of weight, that is required by law, or that is marked or branded thereon, shall be fined ten dollars for every barrel or package so sold or offered for sale.

Sec. 2198. Falsely packed hogsheads, casks or barrels.—Whoever shall knowingly sell, or attempt to sell, any hogshead, barrel or other package of tobacco, liquor, salt, beef, pork or lard, which is falsely packed or filled, or the staves or heading of which are falsely made, with a view to cheat a purchaser as to weight or quantity, or shall so pack, fill or prepare a hogshead, barrel or other package, with such intent, shall be fined ten dollars for every such hogshead, barrel or other package.

Carroll's Stat., 1922, ch. 87, p. 1305.

Sec. 2721 (1906). Sealed measures in mills.—Every owner or occupier of a mill, grinding meal, flour, bread stuff, feed or otherwise, shall keep therein and use sealed measures of half bushel and peck, and toll dish sealed, and shall measure all grain by strike measure or weight, under a penalty of five dollars for every such failure, recoverable, with costs, before a justice of the peace, for the use and benefit of the common school fund in the district where the mill is located. * * *

Carroll's Stats., 1922, ch. 133, p. 2284.

Sec. 4791 (1893). Inspector, weigher and registrar; appointment; removal; qualifications; compensation.—The commissioner of agriculture shall appoint an inspector, weigher and registrar for the warehouses in the city, and fix their duties, the amount and kind of bond to be given by them, and their fees, which shall be paid by the seller, and the board of trade shall, at least once in each year, establish standard grades of the various kinds of grain by which the inspector shall be governed in their inspection; but any warehouseman, seller or buyer, or other person in interest, may, on summary complaint to the circuit court of the county, obtain a reduction of the fees, if, in the opinion of that court, they are exorbitant. And the same court shall, upon complaint of malfeasance or neglect, remove any inspector, weigher or registrar, and declare him incompetent for reappointment, the proceedings being as near as may be similar to those for vacating an office. No member of the board of trade or person interested in any warehouse, shall be appointed inspector, weigher or registrar, nor shall any inspector, weigher or registrar have stored or offer for sale, in any warehouse under his supervision, any commodity owned by him or in which he is directly or indirectly interested, nor shall he be a purchaser at any sale made by the warehouse of any commodity inspected, weighed or registered by him. No person shall be appointed inspector, weigher or registrar unless he be a citizen of the State of Kentucky, has attained the age of twenty-five years, and has been a resident of the city for which he has been chosen at least one year next preceding his appointment.

Sec. 4793 (1893). Inspector and weigher at grain warehouses; bond; fees; term.—In all cities and counties where there are grain warehouses, and where there is no board of trade, it shall be the duty of the fiscal court of the county to appoint an inspector and weigher for said warehouses who shall file a bond in the county clerk's office, with good sureties, to be approved by the court, conditioned for the faithful performance of his duty as such inspector and weigher, on which suit may be brought by any person injured by the violation of such duty. Said inspector and weigher shall have the inspection and weighing of all commodities stored in said warehouses. The fiscal court of the county shall fix the fees of said inspector and weigher, which shall be paid by the seller. No person interested in any warehouse shall be appointed an inspector, weigher or registrar; nor shall any inspector, weigher or registrar have stored or offered for sale in any warehouse under his supervision any commodity owned by him or in which he is directly or indirectly interested. Nor shall he be a purchaser at any sale made by the warehouse of any commodity inspected, weighed or registered by him. * * * Said inspector and weigher shall be appointed for the term of two years and until his successor is appointed and qualified.

Sec. 4796. Penalty for neglect of duty; misdemeanor to improperly influence inspector; penalty for.—Any duly authorized inspector and weigher of grain, who shall be guilty of neglect of duty, or who shall knowingly or carelessly inspect or grade any grain improperly, or who shall accept any money or other consideration, directly or indirectly, for any neglect of duty or the improper performance of any duty as such inspector of grain, and any person who shall im-

properly influence any inspector of grain in the performance of his duties as such inspector, shall be deemed guilty of a misdemeanor and, on conviction, shall be fined in a sum not less than one hundred dollars nor more than one thousand dollars, in the discretion of the jury, or shall be imprisoned in the county jail not less than three nor more than twelve months, or both, in the discretion of the jury.

Sec. 4797. Copy of this law to be posted.—All proprietors or managers of public grain warehouses shall keep posted up at all times in a conspicuous place in their business offices, and in each of their warehouses, a printed copy of this act.

Sec. 4814a–1 (1892). Tobacco warehouseman to grade and weigh, and issue receipts.—That any corporation, company, partnership or individual engaged in the business of warehousemen for the purpose of receiving, grading, handling, prizing and storing tobacco, shall, upon the receipt of such tobacco, grade it into distinct and proper grades, and weigh same; and shall give warehouse receipt therefor to the owner or consigner thereof, setting forth each grade and the number of pounds thereof; and after so doing said corporation, company, partnership or individual shall have the right to commingle all tobacco so received into like grades and types. * * *

Sec. 4814a–4. Competent men to grade and weigh.—It shall be the duty of such warehousemen to have some person or persons competent to grade such tobacco into proper grades and to weigh same in proper manner.

Carroll's Statutes, 1922, ch. 88, p. 1307.

Sec. 2738a–1 (1914). Mine scales to be provided; testing same.—The operator or superintendent of every coal mine in this State, to which this act applies, at which miners are paid by weight, shall provide at such mine suitable and accurate scales for the weighing of the coal for which the miners are to be paid, and when differences arise between the operator or superintendent of the mine and the miners employed in the same as to the accuracy or capacity of the scales, the question shall be referred to the county inspector of weights and measures,[8] whose duty it shall be to inspect and test said scales as early as practicable after receiving notification; and should said inspector find the scales inaccurate or defective beyond the limit admitted in scales of standard manufacture, he shall notify the operator or superintendent of the mine and said scales shall forthwith be repaired and made accurate, or accurate scales be substituted therefor.

Sec. 2738a–2. Penalty.—Any operator or superintendent of a coal mine who refuses or willfully fails to comply with the instructions to render his mine scales accurate shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than five dollars nor more than fifty dollars.

Sec. 2738q–1 (1886). Inspector of scales at mines.—That when a majority of the miners engaged in digging or mining coal at any coal mine in this State, at which as many as twenty men are employed, request the owner or owners or operator or operators of any of said mines to allow the said miners to employ, at their own expense, a

[8] The office of county inspector of weights and measures was created by acts, 1910, ch. 90, p. 265, and this law was repealed by acts, 1914, ch. 42, p. 129.

person to inspect the scales at said mine and see that the coal digged and mined by said miners is properly weighed and accounted for, and do and perform such other duties as will insure that said coal is properly weighed and correctly accounted for, said owner or owners or operator or operators shall permit such person to be employed by said miners making the request: *Provided*, The person so employed has the reputation of being an honest, trustworthy, discreet and upright man. The appointment under the provisions of this act of each inspector and assistant weigher shall be approved by the judge of the county court of the county wherein the same is made.

Sec. 2738q–2. Rights and duties of inspector.—The person appointed and employed by miners to perform the duties set forth in the first section of this act shall at all times have free access to the scales at the mines, and the said person so employed by the miners shall not be hindered or prevented from a proper performance of his duties by the person who weighs coal for the operator or operators of any mines, nor any of the agents or employees of said operator or operators. Said person employed by the miners shall in no way prevent the weighman or other employees of said operator or operators from performing their duties in a proper manner.

Sec. 2738q–3. Penalty for violating this law.—Any person violating any of the provisions of this act shall be fined not less than ten dollars nor more than fifty dollars, and each day on which any of the provisions of this act is violated shall constitute a separate offense.

Stats., 1920, Vol. 3, p. 2208.

Sec. 1 (1898). Offices abolished.—That the office of inspector of weights and measures in all the parishes of this State, "except the parish of Orleans," be and the same is hereby abolished.

Sec. 2. Authority to establish; fees.—That the police jury of the several parishes throughout the State, "the parish of Orleans excepted," shall have power to provide for said inspection when they deem it necessary, and regulate the duties and fees for same.

Stats., 1920, Vol. 3, p. 2204.

Sec. 1 (1912). Two complete sets of weights and measures to be procured for New Orleans; deposited in office of secretary of state.—That the governor, at the expense of the State, shall procure, or cause to be procured, for the use and guidance, in the city of New Orleans, of the inspector of weights and measures hereinafter provided for, two complete sets of copper weights to correspond with weights of their denominations used by the revenue officers of the United States in their offices, together with scales for such weights, and stamps and seals, with such device as the governor may deem proper; and also two complete sets of measures, calculated for dry, liquid and long measures of the same capacity and length as those of their like denomination used by such revenue officers; one of which sets of weights and measures, together with the scales and stamps, shall be deposited in the office of the secretary of state to serve as a general standard of weights and measures in this State: *Provided*, That in the event the equipments hereinafter prescribed now in the possession of the State is in good condition it may be used and the governor relieved of the necessity of providing the new equipment herein authorized.

Sec. 2. Sealing weights and measures.—That on and after January 1st, 1913, it shall be unlawful for any person, firm or corporation to use in the conduct of any business, trade or avocation for the purpose of weighing or measuring any article for purchase or sale within the city of New Orleans any weight, measure, scale beam, patent balance, steelyard, or other instrument or who shall maintain or operate any weight, measure, scale beam, patent balance, steelyard or other instrument, whether automatic or otherwise, used for the purpose of weighing or measuring any person or animal for hire or reward, or any commodity for sale which has not been sealed and for which the certificate hereinafter provided has not been obtained from the inspector of weights and measures, as required by the provisions of this act, and it shall be the duty of all persons, firms, and corporations to have any weights, measures, scale beams, patent balances, steelyards or other instruments, whether automatic or otherwise used for the purpose of weighing or measuring any person or animal for hire or reward, or any commodity for sale, inspected and sealed annually.

Sec. 3. Weights and measures to be inspected.—That every person, firm or corporation, using weights, measures, scale beams, patent balances, steelyards or any instrument, in weighing or measuring any article intended to be purchased or sold in the city of New Orleans, or in weighing or measuring any person or animal, for hire or reward, shall cause the same to be inspected and sealed annually by the inspector of weights and measures, in accordance with the provisions of this act.

Sec. 4. Hawkers and peddlers, etc., must have scales and measures examined; failure, a violation of act.—That all itinerant peddlers and hawkers using scales, balances, weights or measures or other instruments in weighing or measuring any article for purchase or sale, or intended to be purchased or sold, in the city of New Orleans, shall take same to the office of the inspector of weights and measures before any use is made thereof, and have the same sealed and adjusted; and also to have the same sealed and adjusted annually; and every day such person shall use such scales, balances, weights, and measures, without having the same adjusted and sealed as herein provided, shall constitute a separate and distinct violation of this act.

Sec. 5. Two inspectors appointed.—That there shall be appointed by the governor, by and with the consent of the senate, two inspectors of weights and measures one who shall exercise the functions of his office in the first, fourth, sixth and seventh municipal districts and one who shall exercise the functions of his office in the second, third and fifth district, who shall have their offices in the city of New Orleans: *Provided, however*, That the governor shall have the power to remove from office any inspector or assistant inspector of weights and measures, or employees under said inspectors, upon satisfactory proof made to him, of any negligence or failure to perform their duties or for any official misconduct.

Sec. 6. Bond furnished.—That such appointments shall be for four years; and said inspectors shall give bond, payable to the governor, or his successors in office, with good and sufficient sureties, in the penal sum of five thousand dollars each, conditioned for the faithful performance of the duties required of them by law.

Sec. 7. Duties.—That it shall be the duty of each inspector to see that no other weights and measures than those established by law are made use of in weighing or measuring in any business, trade or avocation, within the limits of the city of New Orleans.

Sec. 8. Unlawful to remove seal.—That it shall be the duty of said inspectors to inspect, not less than once each year, all weights, measures, scale beams, patent balances, steelyards, and other instruments used for weighing and measuring in the city of New Orleans, and to stamp with a suitable seal, all weights and measures and scales so used and which he may find accurate, and deliver to the owner thereof a certificate of their accuracy. It shall be unlawful for any person or persons to wilfully remove or destroy in any manner erase or conceal any stamp or seal of inspection from any scale weight or measure.

Sec. 9. Powers of inspectors; inspection of apparatus and appliances; police powers.—That the inspectors of weights and measures appointed under this act are hereby given the power—

To inspect and test the accuracy of all measures, of every kind of tools and appliance connected therewith, used or employed, to determine the weight, size, quantity or other dimensions of any liquids, solids, or other articles offered for sale, hire, or award.

To reweigh or remeasure any package put up ready for sale or delivery, or any amount of any commodity whatever, commonly so sold, at any time before the actual delivery of such package or amount of commodity to the buyer.

To enter, without formal warrant for the purpose herein specified, and in the general performance of their official duties, any stand, place, building or premises, or to stop any wagon or other conveyance in or upon which any measure or measures, or weighed or measured packages, or amounts of commodity are kept, maintained or carried, for the purpose of testing, inspecting, correcting and sealing, or condemning such measures, or reweighing, or remeasuring such packages or amounts of commodity, either upon his own initiative or at the request of any State, municipal or parish official, or upon the written request of any person.

Sec. 10. Violation.—That in the event it is found that any such weights, measures, scale beams, balances, or other instruments used for weighing or measuring at the stores and places where the same may be used are not conformable to the standard of this State they shall be marked "condemned" and the owner thereof shall within ten days thereafter have the same properly adjusted and sealed, in default of which and after conviction, he shall be fined or imprisoned in accordance with the provisions of this act.

Sec. 11. Refusal to exhibit weights and measures.—That it shall be unlawful for any person engaged in the business of buying or selling to refuse to exhibit any weight, measure, scale beam, patent balance, steelyard, or other instrument to said inspectors, for the purpose of being so inspected and examined.

Sec. 12. Obstructing inspector.—That it shall be unlawful for any person in any way or manner to obstruct, hinder or molest the inspector of weights and measures in the performance of his duties, as herein imposed upon him, or refuse to weigh or measure any article of merchandise or any other commodity whatever, or refuse to permit said inspector to ascertain the weight or measure of any article of merchandise or other commodity which may be sold or offered for sale.

Sec. 13. Restrictions upon inspectors.—That it shall be unlawful for said inspectors to vend or sell any weights, measures, scale beams, patent balances, steelyards, or other instruments to be used for weighing or to offer or expose the same for sale or purchase, to be engaged in any business, calling or occupation, where weights or measures are used or required.

Sec. 14. Salary.—That the salaries of said inspectors are hereby fixed at the sum of fifteen hundred dollars per annum, to be paid monthly by the city of New Orleans out of the fees collected for inspection under the provisions of this act: *Provided however*, That should the inspection fund be insufficient at any time to pay said salaries the city treasurer shall at the expiration of the following month or months pay the arrears out of the said fund should a surplus arise: *Provided*, That at the expiration of each year the city treas-

urer shall turn over any balance of said inspection funds to the general fund of the city of New Orleans for the use of said city.

Sec. 15. Refusal of certificate.—That whenever it is necessary for said inspectors to employ anyone to repair defective scales or any kind of weights and measures whatever, the cost or of [of or] expense thereof shall be collected from the owner of such scales, measures or other instruments, and upon refusal of such payment, it shall be the duty of said inspector to refuse to issue the certificate provided for in section 8 of this act.

Sec. 16. Yearly inspection; fees.—That the fees of the inspection shall be as follows, and no more, to wit:

For each yearly visit and inspection of a full set of steel-yards, or of scale with their weights, or of balances with their weights, or of a bushel measure with its parts, or of a gallon measure and its parts, or a set of yard sticks, they shall receive twenty cents; for sealing each weight and measure four cents; for the examination of each platform scale, cotton and tobacco scale and its apparatus, thirty cents; and for sealing the same twenty-five cents; the fees in all cases to be paid by the owner of the weights and measures inspected and sealed. The stamp shall be impressed and payment required for doing the same only on such as have been stamped, or such as, having once been stamped, are found so defective as to require to be regulated with the standard, and payment thereof shall be evidenced by a certificate from such inspector. Failure to produce and exhibit such a certificate shall be deemed and treated as prima facie evidence of the violation of the provisions of this act.

Sec. 17. Fees and fines to be paid to city treasurer daily.—That all fees and fines collected or imposed under the provisions of this act or any other act shall be paid to the city of New Orleans daily and the city treasurer shall keep said collections in a separate fund from which shall be paid the salaries of the inspectors in accordance with the provisions of this act.

Sec. 18. Penalty.—That any person, firm, corporation or itinerant peddler or hawker, convicted of violating any of the provisions of this act shall be punished as follows, viz: For the first offense, by fine of not less than twenty-five dollars or more than fifty dollars or imprisonment for not less than ten days nor more than thirty days in the parish jail, or both in the discretion of the court; for the second and subsequent offense, by a fine of not less than fifty dollars, not more than one hundred dollars and imprisonment of not less than ten days or more than thirty days in the parish jail; provided that upon the second conviction of the violation of any of the provisions of this act the inspector shall seize and destroy any and all condemned weights, measures, scale beams, patent balances, steel yards, and other instruments used for weighing, found in use.

Sec. 19. Penalty.—That any inspector of weights and measures convicted of violating any of the provisions of this act shall be punished by fine of not less than twenty-five dollars, or more than fifty dollars, or imprisonment of not less than ten days or more than thirty days, or both, in the discretion of the court, and such conviction shall carry with it immediate removal from office.

Sec. 20. City attorney to be legal adviser.—That in all legal matters, suits or other proceedings the city attorney of the city of New Orleans

shall act for and on behalf of the aforesaid inspector of weights and measures.

Stats., 1920, Vol. 3, p. 2208.

Rev. Stats., sec. 3925[1] (a1902). Barrel measure and subdivisions; barrels for meal, flour, and pork; sack for bran or chops; baskets for oysters.—There shall be in this State a dry measure to be known under the name of barrel, which shall, except for the purchase and sale of oysters contain three and a quarter bushels, according to the American standard, and shall be divided into half and quarter barrels, and a barrel of meal or flour shall contain not less than one hundred and ninety-six pounds net, and a barrel of mess pork shall contain not less than 200 pounds net, and a sack of bran or chops shall contain not less than 100 pounds net. But for the sale of oysters, baskets shall be used which shall contain one-half of the standard barrel, which standard barrel contains three and a quarter bushels according to this section, said baskets to be stamped according to law.

Rev. Stats., sec. 3926°.[1] Coal measure; grain; wheat, corn, oats, barley, and rye.—Coal shall be sold by the barrel or bushel measure; grain shall be sold by the barrel, bushel or weight; the legal weight of a bushel of wheat shall be sixty pounds; of a bushel of corn fifty-six pounds; of a bushel of oats thirty-two pounds; of a bushel of barley thirty-two pounds, and of a bushel of rye thirty-two pounds.

Acts, 1924; Act No. 140, p. 232.

Sec. 12. Barrel of shrimp.—That there be and are hereby levied severance taxes on all salt water shrimp taken from the waters of this State for drying or canning purposes, or for sale in their fresh state, within the State of Louisiana, as follows: A severance tax of ten cents (10¢) per barrel, said barrel to contain two hundred and ten (210) pounds of shrimp, is hereby levied * * *.

Stats., 1920, Vol. 3, p. 2210.

Sec. 1 (a1912). Coal and coke gauger.—That there shall be appointed by the governor, by and with the advice and consent of the senate, one coal and coke boat gauger, who shall have his office in the city of New Orleans: *Provided, however*, That the governor shall have the power to remove from office any coal and coke boat or barge gauger upon satisfactory proof made to him of negligence or official misconduct.

Sec. 2. Bond required.—That said gauger shall give bond, payable to the governor or his successors in office with sufficient surety, in the penal sum of three thousand dollars, conditioned for the faithful performance of the duties required of him by law.

Sec. 3 (a1904). All boats and barges of coal must be gauged.—It shall be the duty of said gaugers to gauge all boats and barges containing coal whether anthracite or bituminous, or coke, brought into the State of Louisiana for sale or delivery under rules made out of this State.

Sec. 4 (1888). Gauging; bushel; barrel.—That such gauging shall consist in reducing the length, breadth and depth, inside measurement, of boats or barges, deducting all obstructions and displace-

[1] The section numbers here given are the numbers carried in the previous Revised Statutes.

ments, into cubic inches and dividing said cubic inches by twenty-six hundred and eighty-eight (2,688), thus ascertaining the net measurement in bushels. Two and six-tenths ($2\frac{6}{10}$) bushels shall constitute a barrel.

Sec. 5 (a1904). Duty of coal gaugers.—In all cases it shall be the duty of the gaugers,[2] or either of them, to respond promptly to any call made for their services, and to furnish a full and detailed certificate of gross measurement of the boat or barge gauged, and the allowance made for obstructions and displacements: *Provided, however,* That the failure to call upon them, or either of them, shall not relieve them, or either of them, of the obligation to gauge all coal and coke boats and barges as provided by section one of this act.

Sec. 6 (1888). Fee.—That the fee for gauging or regauging shall be ten dollars ($10), for each boat, and five dollars for each barge, to be paid by the seller, except as hereinafter provided.

Sec. 7. Regauging.—That the purchaser of any boat or barge of coal or coke, shall have the privilege of calling upon the said gauger or gaugers to regauge boats or barges in all cases where the original gauge is not satisfactory, and such regauge shall be adopted as the correct measure. If the original gauge shall be found to be correct, then the purchaser shall pay the fee for regauging; but if the regauge shows a less measure, then the seller shall pay the fee.

Sec. 8 (a1904). Inspection required; penalty.—No boatload of coal or coke, nor any part thereof, shall be delivered to the purchaser whether the sale thereof was made within or without the State, until it has been inspected as provided for in this act. And, any person partnership, firm or corporation who shall sell or deliver in this State a boatload or a barge load of coal or coke, or any part thereof, that has not been gauged as herein provided, or who, within twenty-four (24) hours after the arrival in this State of any boat or barge loaded with coal or coke, shall not have notified said coal gaugers, or either of them, at their offices in the city of New Orleans, of its arrival in this State requesting that the same be gauged, as aforesaid, shall be liable to a penalty of fifty dollars ($50) for each boat or barge of coal or coke, or part thereof, so sold or delivered, and for each boat or barge so arriving in this State of which no notice was given to the said coal gaugers, to be recovered with costs of suit, in any court of competent jurisdiction for the benefit of the charity hospital of the city of New Orleans.

Sec. 9 (1888). Tenure of office.—The term of office of said gaugers shall be four years.

Stats., 1920, Vol. 3, p. 2212.

Sec. 1 (a1902). Gauge of coal; fee.—That all anthracite or bituminous coal sold in this State shall be gauged or weighed by the State coal and coke gaugers in the State, whose fees, duties and responsibilities shall remain as now fixed by law, provided the fee for weighing shall not exceed one cent per ton.

Sec. 2 (1894). Standard barrel and ton.—That the standard measures for the bituminous and anthracite coal in this State shall be the

[2] Act No. 45 of acts of 1912, p. 53, amended secs. 1 and 2, reducing the number of inspectors from 2 to 1, but corresponding change was not made in the remainder of the law.

barrel containing 6,988 cubic inches and the standard ton of 2,000 pounds.

Sec. 3. Fine.—That whoever shall violate the provisions of this act shall be adjudged guilty of a misdemeanor and shall be fined not less than $50 nor more than $100, at the discretion of the court, for each offense.

Acts, 1920, Act. No. 87, p. 125.

Sec. 1. Municipal corporations to provide for inspection and testing of weights and measures.—That all municipal corporations shall have the power to provide for inspection and testing of weights and measures used within said municipalities, and to revoke the license of any person using false weights and measures within said municipalities, and to provide penalties for the violation of any laws passed under the power hereby delegated.

Acts, 1920, Act. No. 189, p. 310.

Sec. 15. Duty and power of major and board of aldermen of every city, town and village; weights and measures of commodities.—That the mayor and board of aldermen of every city, town and village, shall have the care, management, and control of the city, town or village and its property and finances, and shall have power to enact ordinances for the purpose hereinafter named, and such as not repugnant to the laws of the State, and such ordinance to alter, modify and repeal; and they shall have power. * * *

Ninth. To prescribe rules for the weighing and measurement for every commodity sold in the municipality, in all cases not otherwise provided by law, and to provide for the measuring of wood and fuel and the weighing of coal, and determine the place or places for the sale of the same and fix fees and duties of the person authorized to perform the duties herein named; * * *

Stats., 1920, Vol. 1, p. 284.

Sec. 1 (1912). Ice wagons to be equipped with weighing devices.—That dealers in ice who employ wagons, trucks, cars etc., in delivering ice to consumers shall equip such wagons, trucks, cars etc., with scales or a mechanism for accurately weighing the ice when actually delivered to the consumer, and that such weighing device shall be so located as to be open to public view.

Sec. 2. Unlawful to overcharge.—That it shall be unlawful for any dealer in ice to charge and collect for a greater amount of ice than the amount actually delivered to the consumer.

Sec. 3. Penalty.—That any person, firm, association or corporation found guilty of violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine not exceeding fifty dollars or be imprisoned not over thirty days, or both in the discretion of the court.

Stats., 1920, Vol. 1, p. 805.

Sec. 2 (1914). Meaning of term "misbranded."—That the term "misbranded," as used herein, shall apply to articles of food in package form which do not bear plainly and conspicuously marked on the outside thereof the quantity of the contents in terms of weight, measure or numerical count: *Provided*, That reasonable variations

shall be permitted, and tolerances, and also exemptions as to small packages shall be established by the State board of health by rules and regulations uniform with rules and regulations established by the United States Department of Agriculture.

Sec. 3. Article of food.—That the term "an article of food," as food [used] herein, shall include all articles used as food, drink, confectionery or condiment by man or other animals, whether simple, mixed or compound. "In package form" shall mean any container, whether glass, tin, wood or paper in which the article of food is packed and, with its contents, sold, offered for sale, or in possession for sale. The terms "weight or measure" shall mean the net weight, or net measure, in terms in accordance with trade customs.

Sec. 4. Enforcement by board.—That the State board of health shall be charged with the enforcement of this act as in the enforcement of any provisions of the sanitary code; not, however, to the exclusion of other authorities charged with the enforcement of the laws.

Stats., 1920, Vol. 1, p. 275.

Sec. 1 (1906). Weight to be marked on packages of grain, etc.—That it shall be unlawful for any corporation, firm, manufacturer, merchant or other dealer, their agents or employees, to sell or offer for sale, any grain, chops, bran, fertilizer, meal, flour or shorts, in sacks, barrels or other original packages, unless the true weight of each package of such grain, chops, bran, fertilizer, meal, flour and shorts be stamped or marked upon the sacks, barrel or other packages.

Sec. 2. Penalty.—That any corporation, shipper, manufacturer, merchant, or other dealer, their agents or employees, who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction in the district court shall be fined not less than ten dollars nor more than twenty-five dollars.

Stats., 1920, Vol. 1, p. 17.

Sec. 1 (1906). Enforcement.—That the State board of agriculture and immigration shall be charged with the duties of enforcing this act for the regulation of the sale of certain mill products and cereals not otherwise provided for, to prevent fraud therein.

Sec. 2. Weights of packages of flour and meal.—That mill products hereinafter mentioned shall have the following standard weights, viz: Barrels of flour one hundred and ninety-six pounds (196); halves, whether in wood or sacks, ninety-eight pounds (98); quarters, forty-eight pounds (48); eighths, twenty-four pounds (24); meal, bolted or unbolted, shall be net one hundred and ninety-six pounds (196) per barrel, whether in wood or sacks, and fractional parts thereof shall be in the same proportion, and cereals or grains of any kind shall have the net weight given upon each barrel or package.

Sec. 3. Net weight to be marked on packages.—That the correct names, and the true net weight of the contents of each and every hogshead, barrel, cask, bale, sack or package of any of the foregoing products, whether sold in single packages or lots, shall be plainly marked, branded or stenciled in large letters and figures not less than two inches in size upon the exterior of such hogshead, barrel, box, cask, sack or package, in a conspicuous place, as the head, in case of

hogshead or barrel and the front or branded side, in case of sacks, bales or package, and it shall be unlawful for any person, firm or corporation to sell or exchange or offer for sale or exchange any of such products so packed or contained until the provisions hereof have been complied with.

Sec. 4. Penalty.—That if any person shall knowingly violate the provisions of this act, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined a sum not less than twenty-five dollars nor more than one thousand dollars, and each transaction shall be deemed a separate offense, which fine or fines shall be recoverable before any court of competent jurisdiction at the suit of the commissioner of agriculture and immigration, or any citizen, without bond or advance cost, and shall be disposed of as hereinafter provided.

Sec. 5. Interference with inspector.—That any manufacturer, dealer or other person who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent any inspector or other person in the performance of his duty in connection with this act shall be guilty of a misdemeanor and shall upon conviction be fined not less than ten dollars nor more than fifty dollars.

Sec. 6. Products subject to seizure for penalties due.—That the commissioner shall have a privilege on any mill products and cereals sold in this State, in violation and contravention of the provisions of this act, and may proceed by writ of provisional seizure against the mill products and cereals so sold in the hands of whomsoever they may be, and wheresoever he may find them, regardless of the domicile of the owner thereof, [to recover the fines and penalties due for the illegal sale thereof],[3] by presenting a petition to a competent judge or magistrate, within whose jurisdiction said mill products and cereals are found, stating on oath at the foot of the petition the amount and nature of the demand, the mill products or cereals on which the privilege exists, and praying that the mill products or cereals be seized to satisfy the claim and pay the costs of suits.

Stats., 1920, Vol. 3, p. 2208.

Sec. 1 (1914). Stock-yard and slaughterhouse weighers are public weighers.—The weighers employed by the slaughterhouses and stock-yards of this State be and they are hereby declared to be public weighers, with all the duties and obligations customarily incident thereto, and that their certificates of the weights of all stock, both singly and in carload lots, shall be accepted by all common carriers and corporations, persons, companies and individuals doing business at the yards of the said company.

Stats., 1920, Vol. 2, p. 1409.

Sec. 1 (1904). Shrimp measure.—That shrimp shall be measured by the basket, and that each basket shall contain seventy pounds avoirdupois of shrimp.

Stats., 1920, Vol. 1, p. 268.

Sec. 1 (1888). "Scalage" deductions; unlawful.—That it shall be unlawful for any purchaser or weigher of cotton to deduct two

[3] The portion in brackets is not contained in the statutes, but is given in the original act.

pounds, or any number of pounds, known as scalage, from the actual weight of any bale of cotton, weighed or purchased by them.

Sec. 2. Damaged cotton.—That purchasers shall account to the seller of cotton in all instances for the actual weight of the bale purchased or weighed, except in cases of wet or damaged cotton, when the amount to be deducted may be agreed upon by the parties buying and selling.

Sec. 3. Penalty.—That for each violation of this act, the offender shall be deemed guilty of a misdemeanor, and upon conviction, by a court of competent jurisdiction, he shall be fined not less than ten nor more than fifty dollars.

Stats., 1920, Vol. 2, p. 1406.

Sec. 1 (1910). Standard measure for oysters.—That there shall be in this State for the purchase and sale of oysters arriving at ports or cities within the State of more than fifty thousand inhabitants from any other port, city or place, whether said oysters arrive in barrels, sacks, bulk or otherwise, a standard measure in the form of a basket, which shall contain one bushel and one-half bushel, said baskets to be inspected and stamped by the inspector of weights and measures or other officers exercising his functions for the respective districts or parishes where said oysters arrive, if there be any such inspector or officer at the place of arrival, and in the Parish of Orleans by the inspector of weights and measures of the municipality or district where the oysters thus arriving are unloaded.

Sec. 2. Inspection at destination.—That each and every sack of oysters arriving at the ports or cities mentioned in section 1 of this act shall contain one standard basket as established by this act, and each and every barrell of oysters arriving at the different ports or cities mentioned in said section 1 of this act, shall contain two standard baskets as established by section 1 of this act, said sacks and barrels to be inspected by the inspector or officer exercising his functions as provided in section 1, and must contain the measurements stated in this act at the time of delivery to the consignee, buyer or importer, and at the time of delivery to any subsequent buyer of said oysters after arrival, whether in sacks, barrels or baskets.

Sec. 3. Fees of inspector of weights and measures.—That the inspector of weights and measures or other officer exercising his functions in the district or parish where said oysters are unloaded shall be entitled to charge and collect for such inspection from the buyers, importers or consignees of said oysters a fee of one-fourth of one cent for each basket inspected and unloaded, payable immediately, and the inspector or other officer exercising his functions may issue a certificate of inspection and measurement which shall be prima facie evidence of such inspection and measurement of the oysters under the provisions of this act; provided that for the stamping of each basket mentioned in section 1, such inspector or officer shall be entitled to charge and collect immediately after stamping, from the owner or owners of the baskets so inspected or stamped, a fee of thirty cents.

Sec. 4. Examination of manifest of oyster boats.—That for the purpose of making the inspection and measurement provided by this

act, and of ascertaining the number of sacks, barrels and baskets arriving in the different ports and cities mentioned in section 1 and the names and addresses of the sellers, exporters, consignors, buyers, importers and consignees of such oysters to be inspected and measured under the provisions of this act, and the quantity consigned to each buyer, imported [importer] and consignee, and such other information as may be necessary to obtain in order to perform the duties imposed upon him by law, such inspector or officer exercising his functions shall have the right and power to go on board the boat arriving with such oysters, in order to count the number of barrels, sacks and baskets thus arriving and to be unloaded from said boat, and shall also have the right and power to demand and obtain an examination of the boat's manifest and it shall be the duty of the owner, master, captain or other person in charge of said boat or of said manifest to produce the manifest and allow such examination by said inspector or officer.

Sec. 5. Cities of more than 50,000 inhabitants to make inspections.—That any and all buyers, sellers, importers and exporters of oysters arriving at the different ports and cities in the State of Louisiana, of more than fifty thousand inhabitants, are charged with the duty of having such oysters inspected and measured, and such baskets inspected and stamped, in accordance with the provisions of this act and any and all buyers, sellers, importers and exporters of oysters arriving at the ports and cities mentioned in section 1, and any and all owners, masters and captains of boats arriving with oysters at said ports or cities, and any other person or persons, firm or firms and corporation or corporations (through their proper officer) violating any of the provisions of this act, shall be deemed guilty of a misdemeanor and shall be punishable for each offense by fine not exceeding twenty-five dollars, or imprisonment not exceeding thirty days, or both, at the discretion of the court having jurisdiction.

Sec. 6. Inspectors to be from parishes shipping oysters.—That there shall be an oyster inspector selected and appointed by the governor from each parish shipping oysters under the provisions of this act, whose duties and functions shall be to inspect and measure every sack and barrel of oysters arriving at the different ports or cities mentioned in section 1 of this act, at the same time and place as the inspection might be made by the inspector of weights and measures, or other officer exercising similar functions, mentioned in section 2 of this act: *Provided*, There shall be only one inspection and measurement of oysters made by each oyster inspector provided for in this section.

Sec. 7. Fee and certificate of inspector.—That the said oyster inspector, mentioned in section 6 of this act, shall be entitled to collect from the buyer, importer or consignee of said oysters, one-fourth of one cent for each basket inspected and unloaded, payable immediately by the said buyer, importer or consignee of said oysters for the account and at the expense of the consignor or shipper of said oysters: *Provided*, That the oyster inspector herein mentioned shall sign all certificates of inspection and measurement referred to in section 3 of this act, together with the inspector of weights and measures, or other [officer] exercising his functions, and no such certificate shall be valid or of any effect unless signed by both said

inspectors, nor shall any claim for shortage of measure be allowed any consignee, buyer or importer of said oysters, unless he shall have first secured this certificate of inspection and measurement.

Sec. 8. Disputes to be arbitrated.—That in the event the two inspectors provided for in this act fail to agree in their inspection and measurement of oysters, as provided for in this act, either or both shall immediately call in as arbitrator the presiding officer of the board, or commission, exercising control over the oyster industry, and, in his absence, any member of said board or commission, and, in the absence of the latter, any inspector of said board or commission, whose award shall be final and who shall make out and sign the certificate of inspection and measurement herein referred to.

Stats., 1920, Vol. 1, p. 18.

Sec. 1 (1916). Establishing standards and grades of fresh farm products and providing funds for that purpose.—That the commissioner of agriculture and immigration may at the request of any grower or shipper or association of growers or shippers, as far as practicable, establish and promulgate standards of grades and other classifications of fresh farm products by which their quantity, quality, or value may be determined, and further prescribe and promulgate rules and regulations covering the mark, brand or labels which may be used upon receptacles of fresh farm products for the purpose of showing the name and address of the producer or packer, the quantity, quality and nature of the products.

Provided, further, That at the request and expense of any grower or shipper, or association of growers or shippers of farm produce, that the commissioner of agriculture and immigration may provide an inspector or inspectors to supervise the packing and loading of fresh farm products according to the standards and classifications established, and mark the receptacle in a manner to show such supervision has been provided.

Stats., 1920, Vol. 2, p. 920.

Sec. 1°. Barrels; contents, brands, etc.—All barrels shall be made of good seasoned oak, or ash, free from every defect; and every barrel shall contain two hundred pounds of beef or pork, the barrel not to measure more than eighteen inches across the head and twenty-eight long, to be hooped with at least twelve good, substantial hoops: the barrel to be branded on the bilge with at least the initials of the cooper's name and weight which is contained in each barrel, and also to be plainly branded with the first letters of the Christian name and the surname at full length of the inspector.

Stats., 1920, Vol. 2, p. 926.

Sec. 1 (1910). Meters to be furnished consumers.—That every person, firm, association or corporation now engaged or hereafter engaging in the business of furnishing natural or artificial gas for heating, illuminating or other purposes, electricity for illuminating or for power or other purposes, water for domestic use or power or other purposes, and paid for by patrons by meter measure, shall furnish to each and every patron a meter properly tested and in good order, and shall arrange such meters so that the patron can, at any time, see the meter dial and ascertain how much gas, electricity or water

is being consumed, and for what amount such patron is liable therefor.

Sec. 2. Maximum charge for commodity.—That it shall be unlawful for any person, firm, association or corporation engaged in furnishing gas, water or electricity to consumers, to be paid for by meter measure, to charge or receive, from any patron or consumer, pay for more gas, electricity or water than the meter furnished by such person, firm, association or corporation shall indicate has been used by such consumer at the time to which payment is made and received, provided the minimum charge contracted for with the municipalities shall not be affected.

Sec. 3. Furnishing deceptive meters, etc.—That it shall be unlawful, for any person, firm, association or corporation who knowingly constructs or uses or furnishes to consumers of gas, electricity or water, to be used, any false meter or any false system for measuring and registering the quantity of gas, electricity or water consumed by any person who is connected with the service of said gas, electric or water company.

Sec. 5. Penalty for violation.—That any person, firm, association or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars and not more than two hundred dollars for each offense.

Sec. 6. Authority of municipalities.—That the several municipalities of this State are given the power and authority to appoint inspectors to carry out the intent and purposes of this act, and further granting and giving to the several municipalities of this State the power and authority to pass ordinances providing for the inspection of gas, water, electric light and power meters, and fixing the expense of same.

Stats., 1920, Vol. 3, p. 2210.

Sec. 1 (1918). "Scribner-Doyle" rule or scale adopted.—That what is known as the "Scribner-Doyle" rule or scale shall be the standard rule for the measurement of saw-logs in this State.

Sec. 2. Penalty for violation.—That any person, firm or corporation who shall compute the measurement of saw-logs, sawn, delivered or bought by any other rule or scale than the above in making settlement with employee, contractor or seller, shall be deemed guilty of a misdemeanor, subject to indictment by presentment by grand jury or by bill of information, and on conviction on bill of information or indictment before any court of competent jurisdiction, shall be fined in the sum of not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or be imprisoned not less than sixty days nor more than twelve months at the discretion of the court.

Stats., 1920, Vol. 1, p. 24.

Sec. 4 (1916). Tags or labels to be affixed to all lots or parcels of feeding stuffs containing ingredients.—That every lot or parcel of commercial feeding stuffs sold, offered or exposed for sale or distributed within this State shall have affixed thereto a tag or label, in a conspicuous place on the outside thereof containing a legible and plainly printed statement in the English language clearly and truly certifying:

(*a*) The net weight of the contents of the package, lot or parcel;
(*b*) The name, brand or trade-mark;
(*c*) The name and principal address of the manufacturer or person responsible for placing the commodity on the market; * * *

Stats., 1920, Vol. 1, p. 29.

Sec. 2 (1916). Fertilizers; labels must show contents, etc.—That all corporations or persons, before selling or offering for sale any commercial fertilizer for use within this State, shall brand or attach to each bag, barrel or package a plainly printed statement, showing the brand or name of said fertilizer, the net weight of the contents of the package, the name and address of the corporation, firm or person registering said fertilizer * * *

Sec. 17. Standards of weight of bags, etc.—That all fertilizers or fertilizing materials sold or offered for sale for use within this State, shall be in bags or packages of one hundred pounds net, or of two hundred pounds net weight, except tankage, dried blood and bone meal, which may be shipped in one hundred and sixty-seven pound bags or packages, and except, further, that imported fertilizer in original bags, barrels or other containers of weights other than one hundred and two hundred pounds, shall be marketed in the original containers, if the proper taggage fees are paid, and the product is otherwise subject to all the provisions of this act, and as provided in section 15. The weight of fertilizer shall be ascertained by inspectors before drawing the sample.

Acts, 1920, Act 200, p. 331.

Sec. 1. Providing for licensing of persons testing milk or cream by the Babcock method.—That any person testing milk or cream by the Babcock method where the result of such test is used as a basis for payment, or for public record, or for record in any of the national breed associations, shall first obtain from the director of the State experimental station a license to do such testing. Such license shall be granted upon satisfactory evidence of good moral character and the ability to make such tests based upon satisfactorily passing an examination set by the director of the State experimental station and upon the payment of a license fee of two dollars and forty cents ($2.40). Licenses granted under this section shall be revocable by the director of the State experimental station upon evidence of dishonesty, incompetency or inaccuracy. Any license so issued shall be valid until the next succeeding January 1st, and no license shall be issued for less than a year, except in the case of a person requesting a license after January 1st of any year, in which case a fee of twenty cents (20c.) for each month or fractional part thereof until the next succeeding January 1st. and such license shall be paid for in advance. Licenses shall be renewed at the discretion of the director of the State experimental station without further examination, upon the payment by the applicant of a license fee of two dollars and forty cents ($2.40).

Sec. 2. Bottles, pipettes or measuring glasses to be tested for accuracy of measurement at Louisiana Agricultural Experiment Station.—That all bottles, pipettes or measuring glasses used by a person in determining by the Babcock method the value of milk or cream, where the result of such test is used as a basis for payment or for public record, or

for record in any of the national breed associations shall, before such use, be tested for accuracy of measurement and for accuracy of the per cent scale market thereon, at the Louisiana Agricultural Experiment Station. Such bottles, pipettes or measuring glasses as are correct shall be marked in permanent marks or characters, which shall be proof that they were so tested; but in correct [incorrect] bottles, pipettes or measuring glasses shall be destroyed. The person owning such bottles, pipettes or glasses shall pay the actual expense of testing the accuracy of same. Such mark or character as the Louisiana State Experiment Station shall select as its official mark for tested bottles, pipettes or glassware shall be used only by the Louisiana Agricultural Experiment Station and its use by any other person or persons is strictly prohibited.

MAINE

Rev. Stats., 1916, ch. 48, p. 737.

Sec. 1 (a1913). Commissioner of agriculture shall be sealer of weights and measures; standard weights and measures of the United States shall be standards in this State.—The commissioner of agriculture shall be the State sealer of weights and measures.

The standard weights and measures furnished by the Government of the United States in accordance with the joint resolution of Congress approved June fourteenth, eighteen hundred and thirty-six, and any additions thereto and renewals thereof certified to by the United States Bureau of Standards, and weights, measures, balances and apparatus added by the State sealer of weights and measures and verified by the United States Bureau of Standards, shall be the standards of weights and measures through this State.

Sec. 2. Standards shall be kept at the statehouse; State standards shall be kept in good order; shall compare standards in cities and towns once in five years.—The standards adopted by the State shall be kept at the statehouse under the supervision of the State sealer and shall not be removed or used except for the adjustment of a set of working standards that are copies of the original standards or for scientific purposes or to be verified by the National Bureau of Standards. The State sealer shall maintain the State standards in good order and shall submit them at least once in ten years to the National Bureau of Standards for certification. He shall at least once in five years cause the standards of the several cities and towns to be compared and corrected to conform with the State standards.

Sec. 3. Shall establish tolerances in this State; other powers and duties.—The State sealer of weights and measures shall after consultation with, and with the advice of, the National Bureau of Standards, establish tolerances for use in this State, and said tolerances shall be the legal tolerances of the State. He shall have general supervision of the weights and measures, and weighing and measuring devices of the cities and towns of the State, and cause the enforcement of all laws pertaining to weights and measures in use in the State and may appoint such agents as he desires to assist in the enforcement.

Sec. 4, as amended by Laws, 1919, ch. 6, p. 6. State sealer shall enforce provisions of law.—He shall enforce the provisions of law requiring municipal officers to procure and maintain standards of weights and measures, and the appointing of a sealer of weights and measures. He may appoint a deputy who shall have the authority conferred by the two following sections, and may appoint inspectors with authority to perform any part or all of the duties provided in sections five and six.

Sec. 5 (a1913). State sealer shall visit cities and towns to inspect work of local sealers.—He or his duly appointed deputy shall visit

the various cities and towns in the State in order to inspect the work of the local sealers, and may at all times inspect and test the weights, measures and balances of any person, firm, association or corporation used, or to be used, in purchasing from or selling to the public any goods, wares, merchandise or other commodities; if any such weights, measures or balances are found to be inaccurate or defective, he shall forthwith cause the same to be corrected or condemned.

Sec. 6. May test commodities offered for sale for correct weight.—He or his duly appointed deputy may, at irregular intervals, examine commodities sold or offered for sale and test them for correct weight, measure or count, and bring complaint for violations of sections eight to twenty-five, both inclusive, of this chapter. He, or his duly appointed deputy may for the purpose stated above, and in the general performance of his or their official duties, have access without formal warrant to any stand, place, building or premises, or may stop any vendor, peddler, junk dealer, coal wagon, ice wagon, or any person for the purpose of making the proper tests.

Sec. 7 (1911). Record and report.—He shall keep a record in detail of the work of his office and shall annually, on or before the first day of December, make a written report of the work and the expenses of his office to the governor and council.

Laws, 1917, ch. 33, p. 27.

Powers of local sealers of weights and measures increased.—That all local sealers of weights and measures and their deputy sealers in cities and towns shall have the same power that is given the State sealer of weights and measures and deputy State sealer by section six of chapter forty-eight of the Revised Statutes.

Revised Stats., 1916, ch. 48, p. 737.

Sec. 8, as amended by Laws, 1917, ch. 61, p. 48. Municipal officers to elect for indefinite term; removable only for neglect; State sealer to have jurisdiction.—The municipal officers of each town shall elect a sealer of weights and measures, also a deputy sealer if necessary, not necessarily a resident therein, and said sealer and deputy shall hold office during their efficiency and the faithful performance of their duties and shall be removed by said officers only for neglect of duty. The State sealer of weights and measures shall have jurisdiction over said sealer or deputy sealer, and any vacancy caused by death or resignation shall be filled by election by said municipal officers within thirty days; for each month that said municipal officers neglect their duty they severally shall forfeit ten dollars. Within ten days after each such election the clerk of each city or town shall communicate the name of the person so elected to the State sealer of weights and measures, and for neglect of this duty shall forfeit ten dollars. Such sealer of weights and measures in any town may be sealer for several towns if such is the pleasure of the municipal officers therein, provided such action received the approval of the State sealer of weights and measures.

Sec. 9 (a1913). Treasurers of each town shall keep town standards.—The treasurers of each town, at the expense thereof, or jointly with the treasurers of adjacent towns, shall constantly keep as town standards a set of beams and weights and measures subject to the approval of the State sealer and conformable to the State standards.

Said treasurers shall cause all beams and weights and measures belonging to their towns to be proved and sealed by the State standards once in five years, beginning the first day of January, nineteen hundred thirteen, and for every neglect of said duty they forfeit one hundred dollars.

Sec. 10. Cities may own scales; appoint weighers and deputy sealers.—Any city may purchase and keep for use scales for weighing hay and other articles, appoint weighers and fix their fees, to be paid by the purchaser. The municipal officers of cities and towns may appoint a deputy sealer of weights and measures to hold office during their pleasure and fix his compensation. Such deputy shall act under the direction of the sealer of weights and measures in the municipality, and shall have the same authority as the sealer in the performance of his duties.

Sec. 11. City and town sealers shall keep records of weights and measures sealed, etc.; shall make annual report.—The several city and town sealers and other persons authorized to inspect weights and measures shall keep records of all weights and measures, balances and measuring devices inspected, sealed or condemned by them, giving the name of the owner or agent, the place of business, the date of inspection and kind of apparatus so inspected, sealed or condemned. He shall make an annual report, duly sworn to, on or before the first day of November of each year, to the State sealer, giving in addition to the above an inventory of the standards and apparatus in his possession, and such other information as he may deem important, or as the State sealer may require.

Sec. 12 (a1915). Duty of sealer to receive and receipt for standards; penalty for neglect.—The person appointed as provided in section eight, shall receive the standards and seal from the treasurer, giving a receipt therefor, describing them and their condition, and therein engaging to re-deliver them at the expiration of his office in like good order; and he shall be accountable for their due preservation while in his possession. For every neglect of any duty prescribed by this chapter he shall forfeit ten dollars.

Sec. 13 (1899). Sealers shall give notice of times and places for sealing; weights and measures.—The sealers of weights and measures in the several cities and towns shall annually give public notice by advertisement, or by posting in one or more public places in their respective cities and towns notices to all inhabitants or persons having usual places of business therein and who use weights, measures or balances for the purpose of selling any goods, wares, merchandise or other commodities or for public weighing to bring in their weights, measures and balances to be adjusted and sealed. Such sealers shall attend in one or more convenient places and shall adjust, seal and record all weights, measures and balances so brought in.

Sec. 14. Sealers shall visit persons who neglect to comply.—After giving said notice the said sealers shall go to the houses, stores and shops of persons who neglect to comply therewith, and having entered the same with the assent of the occupants thereof, shall adjust and seal their weights, measures and balances.

Sec. 15. Shall visit once a year all having scales and test same.—Said sealers shall go once a year and oftener if necessary, to every hay and coal scale, to every platform balance within their respective

cities and towns that can not be easily or conveniently removed, and shall test the accuracy of and adjust and seal the same.

Sec. 16. All scales, weights, and measures may be tested any time.—All persons using any scales, weights or measures for the purpose of buying or selling any commodity, may, when they desire it, have the same tested and sealed by the sealers of weights and measures at the office of any of said sealers.

Sec. 17. If sealer can not seal any weights, etc., he may mark to show inspection; use of weights, etc., that can not be adjusted by sealers, forbidden.—In case a sealer of weights and measures can not seal any weights, measures and balances in the manner before provided, he may mark them with a stencil, or by other suitable means so as to show that they have been inspected; but he shall in no case seal or mark as correct any weights, measures or balances which do not conform to the standards. If such weights, measures or balances can be readily adjusted by such means as he has at hand, he may adjust and seal them; but if they cannot be readily adjusted, he shall affix to such weights, measures or balances a notice, forbidding their use until he is satisfied that they have been so adjusted as to conform to the standards; and whoever removes said notice without consent of the officer affixing the same, shall for each offense forfeit a sum not less than ten dollars and not exceeding fifty dollars.

Sec. 18. Sealer shall be furnished with appliances for testing weights, etc., by towns and cities.—A sealer when visiting the place of business of any person for the purpose of testing any weights, measures or balances, may use for that purpose such weights, measures or balances as he can conveniently carry with him, and each city and town shall furnish its sealer with one or more duplicate sets of weights, measures and balances, which shall at all times be kept to conform to the standards furnished by the State, and all weights, measures and balances so sealed shall be deemed to be legally sealed the same as if tested and sealed with the standard weights, measures and balances.

Sec. 19. False weights and measures may be seized.—A sealer of weights and measures may seize without a warrant such weights, measures or balances as may be necessary to be used as evidence in cases of violation of the law relating to the sealing of weights and measures, such weights, measures or balances to be returned to the owners, or forfeited as the court may direct.

Sec. 20. Proceedings, when complaint is made, that incorrect weight, etc., are being used; penalty for using weight, etc., after refusal of permission to test.—When a complaint is made to a sealer of weights and measures by any person that he has reasonable cause to believe or when such sealer himself has reasonable cause to believe that a weight, measure or balance used in the sale of any commodity within his city or town is incorrect, the said sealer shall go to the place where such weight, measure or balance is and shall test the same, and mark it according to the result of the test applied thereto; and if the same is incorrect and can not be adjusted, the said sealer shall attach a notice thereto, certifying that fact, and forbidding the use thereof until it has been made to conform to the authorized standard. Any person using a weight, measure or balance after a sealer has demanded permission to test the same, and has been refused such permission shall be liable to a penalty of not less than ten, nor more than one hundred dollars.

Sec. 21. How incorrect weights, etc., shall be stamped.—All weights, measures and balances that cannot be made to conform to the standard shall be stamped "Condemned" or "CD" by the sealer, and no person shall thereafter use the same under the penalties provided in the case of the use of false weights and measures.

Sec. 22. Scales shall be sealed before sale or use.—Before any weights, measures, scales, steelyards, beams or balances are used, they shall be sealed by a public sealer of weights and measures.

Sec. 23. Quarter, hundredweight, ton, decimal hundred.—Such articles as are sold or exchanged in any market or town in the State by gross or avoirdupois weight, shall be sold or exchanged as follows: twenty-five avoirdupois pounds constitute one quarter; four quarters, one hundred; and twenty hundreds, one ton; and all other articles, usually sold by tale, shall be sold by decimal hundred.

Sec. 24, as amended by Laws, 1917, ch. 207, p. 205. Powers of sealer and deputy. Whoever by himself, or by his servant, or as the agent or servant of another, shall use or retain in his possession any false scales, weight or measure or weighing or measuring device in the buying or selling of any commodity or thing, or whoever after a weight, measure, scale, balance or beam has been adjusted and sealed, shall alter it so that it does not conform to the public standard and shall fraudulently make use of it, or whoever shall dispose of any condemned scales, weight, measure, or weighing or measuring device, contrary to law, or remove any tag, stamp or mark placed thereon by the sealer; or whoever by himself, or by his agent or servant, or as agent or servant of another, shall sell, offer or expose for sale less than the quantity he represents, or whoever by himself, or by his agent or servant, or as the agent or servant of another, shall sell, offer for sale, or have in his possession for the purpose of selling, any false scales, weight or measures, or any device or instrument to be used or calculated to falsify any weight or measure, shall be guilty of a misdemeanor and shall for the first offense be punished by a fine of not more than fifty dollars; for the second offense by a fine of not less than twenty, nor more than two hundred dollars, and for any subsequent offense by a fine of fifty dollars and by imprisonment for not less than thirty, nor more than ninety days. The possession or use by any person of any false weight, measure or other apparatus for determining the quantity of any commodity or article of merchandise is presumptive evidence of knowledge by such person of the falsity of such weight, measure or other apparatus. Every sealer of weights and measures who has reasonable cause to believe that a weight, measure, scale, balance or beam has been altered since it was last adjusted and sealed shall enter the premises in which it is kept or used and shall examine the same. A sealer, or his duly appointed deputy may examine commodities sold or offered for sale and test them for correct weight, measure or count, and bring complaint for violations of sections eight to twenty-five, both inclusive, of this chapter. He, or his duly appointed deputy may, for the purpose stated above, and in the general performance of his or their official duties, have access without formal warrant to any stand, place, building or premises, or to any sales slip, record of sale, or weight slip, or may stop any vendor, peddler, junk dealer, coal wagon, ice wagon, or any person

for the purpose of making the proper tests. Any person refusing to exhibit any sales slip, record of sale, or weight slip in his possession, or to allow proper tests for correct weight, measure or count, or refusing to proceed to a proper and convenient place for the making of any such test, shall be punished by a fine not exceeding ten dollars.

Sec. 25 (1899). Penalty for using weights, etc., which have not been sealed.—Whoever sells by any other weights, measures, scales, beams or balances than those which have been sealed as before provided, shall forfeit a sum not exceeding twenty dollars for each offense, and when by the custom of trade such weights, measures, scales, beams or balances are provided by the buyer, he shall, if he purchases by any other, be subject to a like penalty to be recovered by an action of tort to the use of the complainant.

Sec. 26 (a1913). Jurisdiction of courts.—Municipal and police courts and trial justices shall have original jurisdiction, concurrent with the supreme judicial court and superior courts, of prosecutions for all offenses against the laws pertaining to weights and measures.

Sec. 27 (1899). Sealer may be paid salary and fees paid into treasury.—The city council of a city may by ordinance, and a town may by by-law, provide that the sealer of weights and measures for their city or town shall be paid by a salary, and that he shall account for and pay into the treasury of the city or town the fees received by him by virtue of his office; and where such salary is paid no fees shall be charged for services rendered under section thirteen.

Sec. 28. Appointments and fees of measures; size of hogshead.—The municipal officers of towns annually may appoint measurers of salt, corn and grain therein, who shall receive such fees from the purchaser as said officers establish; and, in every contract made in the State for the sale of salt by the hogshead, such hogshead shall consist of eight bushels; and, when the buyer or seller requests, salt, corn or grain bought or sold in places where such measures live shall be measured by them.

Sec. 29 (a1915). Weights per bushel; weight of barrel of flour and potatoes.—Standard weights per bushel of commodities are as follows:[1]

	Pounds		Pounds
Potatoes	60	Shell beans	28
Apples	44	Soy beans	58
Apples, dried	25	Scarlet or white runner pole beans	50
Wheat	60	String beans	24
Corn or rye	56	Windsor (broad) beans	47
Cracked corn, feed, or meal of any kind except oatmeal	50	Beet greens, dandelions, kale, or spinach	12
Barley or buckwheat	48	Parsley	8
Carrots or English turnips	50	Peas	60
Onions	52	Unshelled green peas	28
Rutabaga, sugar beets, mangelwurzel, turnips, and other beets	60	Wrinkled peas	56
Parsnips	45	Rough rice	44
Beans	60	Oats	32
Lima beans	56	Green peanuts	22
		Roasted peanuts	20

[1] For convenience of reference a change has been made in the arrangement which necessitated slight changes in the wording.

	Pounds
Turk's Island or other coarse grades of salt	70
Liverpool or other fine grades of salt	60
Lime	70
Hair used in masonry, well dried and cleaned	11
Strawberries, raspberries, or blackberries	40
Blueberries	42
Currants	40
Cranberries	32
Peaches	48
Pears	58
Dried peaches	33
Sweet potatoes	54
Quinces	48
Tomatoes	56

All to be in good order and fit for shipping or for market; the measure of each of these articles shall be determined as aforesaid at the request of the vendor or vendee; and if either party refuses so to do he forfeits twenty cents for each bushel, to the person prosecuting therefor within thirty days.

The standard weights per bushel of various seeds, when well cleaned and in good condition are as follows:

	Pounds
Herd's grass	45
Clover	60
Alfalfa	60
Flaxseed	56
Hemp	44
Hungarian grass	48
Orchard grass	14
Redtop	14
Sorghum	50
Timothy	45
Millet	50
Japanese millet	35
Bran	20
Sea-island cotton	44
Upland cotton	30

The standard weight of a barrel of flour is one hundred and ninety-six pounds; of a barrel of potatoes[2] in good order and fit for shipping is one hundred and sixty-five pounds; of a barrel of sweet potatoes in like condition, one hundred and fifty pounds.

Sec. 30 (1913). Sale of fruits, nuts, and vegetables, by measure, regulated.—All fruits, nuts and vegetables, if sold by measure, shall be sold by dry measure, United States standard, and shall be measured by level measure. Baskets or other receptacles holding one quart or less which are to be used in the sale of strawberries, blackberries, cherries, currants, blueberries, huckleberries, raspberries or gooseberries, shall be of the capacity of one quart, one pint or one-half pint, United States standard, dry measure. Whoever sells or offers for sale or has in possession with intent to sell, any of the aforesaid fruits in any basket or other receptacle holding one quart or less which does not conform to said standard, or conforming to said standard is not level measure, shall be punished by a fine of ten dollars for each offense. Said baskets or other receptacles shall not be required to be tested and sealed as provided by this chapter, but any sealer or health officer may test the capacity of any basket or other receptacle in which any of the aforesaid fruit is sold or intended to be sold; and if the same is found to contain less than the standard measure, or if the quantity of such fruit is otherwise less than as herein provided, he shall seize the same and make complaint against the vendor.

Sec. 31. Sale of ice by weight, when requested.—A dealer in ice who on request of the purchaser of ice refuses or neglects to weigh the same when delivered or gives false weight shall for each offense be punished as provided in section twenty-four of this chapter. Who-

[2] See footnote, p. 20, relative to Federal standard barrel.

ever, having charge of the delivery of ice from a wagon, not being a dealer in ice, refuses on the request of the purchaser of ice to weigh the same when it is delivered, or gives false weight, shall be punished by a fine of not more than ten dollars.

Sec. 32°. County commissioners shall erect and maintain meridian line; record to be kept.—The county commissioners, at the expense of their several counties, shall erect and forever maintain therein, at such place or places remote from electrical disturbances as the public convenience requires, a true meridian line to be perpetuated by stone pillars with brass or copper points firmly fixed on the tops thereof, indicating the true range of such meridian; and shall protect the same and provide a book of records to be kept by the clerk of courts, or by a person appointed by them nearer to such structure, and accessible to all persons wishing to refer thereto.

Sec. 33. Care and custody.—Such structures shall be under the care and custody of such clerks; and any surveyor residing in said county or engaged in surveying therein, shall have free access thereto for the purpose of testing the variation of the magnetic needle.

Sec. 34. Surveyors shall annually verify compass; shall record declination of needle, etc., and shall enter same in field note-book; penalty for neglect.—When such meridian lines have been established and completed every land surveyor shall, at least annually, before making any survey, test and verify his compass, or other instrument using the magnetic needle, by the meridian line so established in the county where his surveys are to be made, and shall enter the declination of such needle from the true meridian in the book mentioned in section thirty-two, together with the style and make of such instrument and its number, if any, and the date and hour of observation, and subscribe his name thereto for future reference; and shall insert corresponding entries as to date and declination, in his field note-books, which field note-books shall also show dates at which his surveys are made. Neglect or refusal to comply with this section shall render such surveyor liable to a penalty of twenty-five dollars for each neglect, to be recovered on complaint in the county where any survey is made, half to the complainant and half to the county. The provisions of this section shall not apply to such surveys as are made by angles from some fixed, permanent line, or by a solar instrument and independent of the magnetic needle.

Sec. 35. County commissioners shall erect and maintain standard of length; description thereof; their care and custody; duty of surveyors to verify tape or chain and record result; penalty for neglect.—The county commissioners at the expense of the several counties shall also erect and forever maintain therein, at such place or places as the public convenience may require, a standard of length of not less than one hundred feet, with suitable subdivisions marked thereon. Such standard may consist of stone monuments permanently fixed with metal plates on the tops thereof, properly marked and protected; or of a steel bar of the necessary length properly marked and suitably placed and protected. All such standards shall be made to correspond with the standard of the United States Bureau of Weights and Measures, and shall be provided with proper means for determining the tension of tapes or chains during comparison. They shall be under the care and custody of the clerk of courts, who shall keep a suitable

book for the record of comparisons, and they shall be accessible to any person for comparing any tape, chain, or other linear measure. Every surveyor shall before making surveys in this State, and at least annually, compare his tape or chain used in such surveys with the standard in the county in which he resides or in which surveys are to be made; and shall record the result in the book provided for that purpose, giving description of such tape or chain, with the difference, if any, between the same and such standard, together with the date and temperature and the tension on such tape or chain at the time of comparison. When such standard shall have been completed in any county, any surveyor residing or making surveys in such county who shall neglect or refuse to comply with the terms of this section, shall be liable to the penalties and disability set forth in section thirty-four.

Sec. 36. Penalty for injuring meridian lines.—Whoever willfully displaces, alters, defaces, breaks or otherwise injures any of the pillars or points, plates, enclosures, bars, locks, bolts, or any part of the structure of any meridian line or standard of length shall forfeit not exceeding one hundred dollars, to be recovered by indictment, half to the prosecutor and half to the county, and shall also be liable in an action of debt for the amount necessarily expended in repairing damages caused by his act.

Sec. 37. Governor to appoint commissioner to verify meridians.—When such meridian line or standard of length is established, repaired or rebuilt in any county, the governor with the advice and consent of the council shall appoint a competent commissioner, not necessarily a resident of this State, to inspect and verify the same. Such commissioner shall in case of a meridian line verify the same by astronomical observation, and in his report shall give an accurate description of such structures, its latitude and longitude, and the declination of the needle at the time; and in case of a standard of length shall give a description of the structure, its location and exact length as determined by comparison with some authentic standard from the United States Bureau of Weights and Measures. All such reports shall be full and accurate and be deposited in the office of the secretary of state, and a certified copy shall be filed and recorded in the office of the clerk of the courts in the county where such structure is situated. Such commissioner shall receive from the State such just compensation as the governor and council shall allow.

Laws, 1919, ch. 159, p. 157.

Sec. 1. Scales and weighing devices not to be sold until standard approved.—It shall be unlawful to sell, offer for sale or give away any scale or other weighing or measuring device until a scale or measuring device of the same manufacture, type and kind shall have been approved by the National Bureau of Standards in Washington, D. C., and until a certificate of said approval shall have been filed with the State sealer of weights and measures in Augusta, which certificate shall state the name and manufacturer of said scale or other measuring device, the place where manufactured and that the same has been approved by said bureau of standards. This act shall not apply to liquid or standard dry measures.

Sec. 2. Penalty for violation.—Whoever violates section one of this act shall upon conviction be punished by a fine of not less than

twenty dollars nor more than fifty dollars for each offense. Municipal and police courts and trial justices shall have original jurisdiction concurrent with the supreme judicial court and superior court of prosecutions for all violations of this act.

Rev. Stats., 1916, ch. 118, p. 1437.

Sec. 23 (a1911). Fees for testing and adjusting.—The fees of sealers of weights and measures, for testing and adjusting scales, weights and measures by the town standard, to be paid by the persons for whom the service is rendered, are as follows: For testing railroad track scales of forty thousand pounds capacity and upwards, two dollars; elevator scales of twenty thousand pounds capacity and upwards, one dollar and fifty cents; platform scales of five thousand pounds capacity and upwards, one dollar; dormant scales of less than five thousand pounds capacity, fifty cents; dormant beef track scales, fifty cents; platform scales of less than five thousand pounds capacity, fifty cents; beam scales of over one thousand pounds capacity, fifty cents; platform scales of less than one thousand pounds capacity, twenty-five cents; platform counter scales, twenty-five cents; counter balance or trip scales, ten cents; spring balance scales, fifteen cents; weights, each three cents; measures, wet and dry, each three cents; yard sticks, each five cents; coal baskets, each ten cents; milk cans, large size, five cents each; milk cans, small size, three cents each; milk bottles, in lots of one gross or less, one cent each, in lots from one to two gross, three-fourths of a cent each, in lots of more than two gross and not over four gross, one-half cent each, in lots greater than four gross, one-fourth of a cent each; for adjusting or repairing any scale, a fair and reasonable compensation; for adjusting weights, when either light or heavy, not to exceed ten cents each; for adjusting measures, wet or dry, when either large or small, not to exceed ten cents each; for adjusting yard sticks, not to exceed five cents each; for adjusting any weight or measure not mentioned above, a fair and reasonable compensation.

Rev. Stats., 1916, ch. 46, p. 730.

Sec. 1, as amended by Laws, 1919, ch. 74, p. 69. Dimensions of a cord of wood.—All cord wood offered for sale shall be four feet long including half the scarf, and well and closely laid together. A cord of wood or bark shall measure eight feet in length, four feet in width and four feet in height, or otherwise contain one hundred and twenty-eight cubic feet; the measurer shall make due allowance for refuse or defective wood and bad stowage. Any person or persons exposing for sale as a cord of wood anything less shall be fined not less than ten dollars nor more than fifty dollars for each offense. Cities and towns by ordinance may assign location for teams to sell said cord wood and bark.

Sec. 2°. Penalty for selling wood or bark before survey.—If any firewood or bark, brought into any town by land, is sold and delivered, unless otherwise agreed to by the purchaser, before it is measured by a sworn measurer, and a ticket signed by him and given to the driver, stating the quantity that the load contains, the name of the driver, and the town in which he resides, such wood or bark is forfeited, and may be libeled and disposed of according to law.

Sec. 3. How cordwood brought by water shall be measured.—All cordwood brought by water into any town for sale, shall be corded on the wharf or land, on which it is landed in ranges making up in height what is wanting in length; then it shall be so measured and a ticket given to the purchaser, who shall pay the stated fees; and no such wood shall be carried away by any wharfinger or carter, before it has been so measured, under a penalty of one dollar for every load.

Sec. 4. Ticket required, and penalty for not showing it.—Persons, carrying fire-wood from a wharf or landing for sale, shall be furnished by the owner or seller with a ticket stating the quantity, and the name of the driver; and if such fire-wood is carried away without such ticket, or any driver refuses to exhibit such ticket to any sworn measurer on demand, or does not consent to have the same measured, when in the opinion of the measurer the ticket certifies a greater quantity of wood than the load contains, such wood shall be forfeited, and may be seized and libeled by said measurer according to law.

Sec. 5. Penalty for fraudulent stowage.—When any wood, bark or charcoal, sold by the cord, foot or load, is so stowed as to prevent the surveyors from examining the middle of the load, and it appears or delivery, that it was stowed with a fraudulent intent of obtaining payment for a greater quantity than there was in fact, the seller or owner thereof forfeits ten dollars to the county.

Sec. 6. How charcoal may be measured and sold.—Charcoal brought into a town for sale, may be measured and sold by the cord or foot, estimating the cord at ninety-six bushels, when the purchaser and seller agree to the same; and the measurers before named shall be measurers of charcoal also.

Sec. 7. Charcoal baskets to be sealed; dimensions; penalty for using smaller.—All baskets for measuring charcoal brought into a town for sale, shall be sealed by the sealer of the town where the person using them usually resides, and shall contain two bushels and be of the following dimensions, viz: Nineteen inches in breadth in every part, and seventeen inches and a half deep, measuring from the top of the basket to the highest part of the bottom; and in measuring charcoal for sale, the basket shall be well heaped. Whoever measures charcoal for sale, in any basket of less dimensions, or not sealed, forfeits, for each offense, five dollars.

Sec. 8. Seizure of unlawful baskets.—The municipal officers of towns may appoint some suitable person to seize and secure all baskets used for measuring coal, not according to the provisions hereof.

Sec. 9. Penalty for refusing to give certificate; how recovered and appropriated.—Any measurer of wood, bark or charcoal, who neglects or refuses to give to the owner or purchaser a certificate of the contents of a load, forfeits five dollars for each offense; and all the penalties hereinbefore provided, may be recovered by action of debt or complaint, half to the town where the offense is committed, and half to the prosecutor.

Sec. 10, as amended by Laws, 1921, ch. 77, p. 85. Sale of coal and coke; ton; net weight to be marked on bags or packages; penalty.—Anthracite, bituminous and all mineral coal or coke shall be sold by

weight and two thousand pounds shall constitute a ton. Coal or coke put up in bags or package form shall have marked on the bag in a plain and conspicuous manner the net weight. For each violation of this act there shall be a fine of not less than twenty-five nor more than one hundred dollars.

Sec. 11, as amended by Laws, 1921, ch. 43, p. 48. Weighers of coal and coke; weighers may be elected; slips given customers, what to show; penalty.—The municipal officers shall annually elect or appoint weighers of coal and coke. Weighers must give slips either in writing or printing to every purchaser of coal when not in bags or packages showing the gross, tare and net weight for each and every load so delivered. The slips so given must have stamped, printed or written thereon the full name of the weigher. For each violation of this act there shall be a fine of not less than ten nor more than twenty dollars.

Sec. 12°. Coal unless sold by cargo, weighed, or suit not maintained.—Unless coal is sold by the cargo, the seller shall, on request of the purchaser, cause it to be weighed by a sworn weigher, who shall make a certificate of the weight; and he shall deliver such certificate to the buyer before commencing a suit against him for the price of such coal.

Sec. 13. Towns to elect surveyors of lumber.—Every town, at its annual meeting, shall elect one or more surveyors of boards, plank, timber and joist; one or more surveyors of shingles, clapboards, staves and hoops; and every town containing a port of delivery whence staves and hoops are usually exported, shall also elect two or more viewers and cullers of staves and hoops; and the municipal officers of a town may, if they deem it necessary, appoint not exceeding seven surveyors of logs.

Sec. 14. Lumber to be surveyed before delivery.—All boards, plank, timber and joist, offered for sale, shall, before delivery, be surveyed by a sworn surveyor thereof, and if he has doubts of the dimensions, he shall measure the same, and mark the contents thereon, making reasonable allowance for rots, knots and splits, drying and shrinking; pine boards three-fourths of an inch thick when fully seasoned, and in that proportion when partly seasoned, shall be considered merchantable; and no pine boards, except sheathing boards, shall be shipped for exportation beyond the United States, but such as are square edged, and not less than seven-eighths of an inch thick, nor less than ten feet long, under penalty of forfeiture to the town whence shipped.

Sec. 15. Dimensions and quality of shingles.—All shingles, packed for exportation beyond the State, shall be sixteen inches long, free from shakes and worm-holes, and at least three-eighths of an inch thick at the butt end when green, and if of pine, free from sap. They shall be four inches wide on an average, not less than three inches wide in any part, hold their width three-fourths of the way to the thin end, well shaved or sawed, and be denominated "number one"; but shingles intended for sale within the State, if of inferior quality or of less dimensions, may be surveyed and classed accordingly, under the denominations of "number two," and "number three."

Sec. 16. Manner of sawing and packing shingles; forfeiture.—All shingles shall be split or sawed crosswise the grain; each bundle shall contain two hundred and fifty shingles, and if in square bundles,

twenty-five courses, and be twenty-two inches and a half at the lay; and when packed to be surveyed as "number one," or for exportation, if in any bundle there are five shingles deficient in the proper dimensions, soundness or number, to make two hundred and fifty merchantable shingles, or if any shingles are offered for sale, before they are surveyed and measured by a sworn surveyor of some town in the county where they were made, and the quality branded on the hoop or band of the bundle, unless the parties otherwise agree, they are forfeited to the town where the offense is committed.

Sec. 17. Dimensions and quality of clapboards.—All clapboards, exposed for sale or packed for exportation, shall be made of good sound timber, free from shakes and worm-holes, and if of pine, clear of sap; and they shall be at least five-eighths of an inch thick on the back or thickest part, five inches wide, and four feet six inches long, and straight and well shaved or sawed.

Sec. 18. Dimensions and quality of staves, and how enumerated.—Staves packed for sale or exportation shall be well and proportionably split, and of the following dimensions, viz:

White oak butt staves, at least five feet in length, five inches wide, and one inch and a quarter thick on the heart or thinnest edge, and every part thereof;

White oak pipe staves, at least four feet and eight inches in length, four inches broad in the narrowest part, and not less than three-quarters of an inch thick on the heart or thinnest edge;

White or red oak hogshead staves, at least forty-two inches long, and not less than half an inch thick on the least or thinnest edge;

White or red oak barrel staves for a market out of the United States, thirty-two inches long; if for use within the United States, thirty inches long; and in either case, half an inch thick on the heart or thinnest edge;

All white or red oak hogshead or barrel staves, at least, one with another, four inches in breadth, and no one less than three inches in breadth in the narrowest part; those of the breadth last mentioned shall be clear of sap; and two staves shall be sold as one cast; fifty casts, one hundred staves; and ten hundred staves, one thousand.

Sec. 19. Dimensions and quality of hogshead hoops; how packed, and forfeiture for deficiency.—All hogshead hoops, exposed for sale or packed for exportation, shall be from ten to thirteen feet in length, and of oak, ash or walnut, and of good and sufficient substance, well shaved; if of oak or ash, at least one inch broad, and, if of walnut, three-quarters of an inch at the smaller end; the different lengths shall be made up in bundles by themselves; each bundle shall contain twenty-five hoops, four bundles shall make one hundred, and ten hundred hoops, one thousand; and every bundle, packed for sale or exportation, found to be deficient in number or dimensions, is forfeited to the town where it is exhibited.

Sec. 20. Manufactured lumber, not to be offered for sale until surveyed and branded; penalty.—No person shall deliver on sale, or ship or attempt to ship for exportation, any boards, plank, timber, joists, shingles, clapboards, staves or hoops, before they have been surveyed, measured, viewed or culled, as the case may be, and branded by the proper officer, and a certificate thereof given by him, specifying the number, quality and quantity thereof, under a penalty of two

dollars a thousand, by quantity or tale, as such article is usually sold, half to the town where the offense is committed, and half to the prosecutor; and in addition thereto, the master or owner of any vessel, exporting any of the articles aforesaid beyond the limits of the United States contrary to law, shall, for the first offense, forfeit two hundred dollars to the town whence said articles are exported; and if after conviction he commits a second offense in the same vessel, he forfeits the same sum, and the vessel is also forfeited to the town.

Sec. 23. Penalty, if surveyor or culler neglects duties or practices fraud in his office.—If any person, duly elected a surveyor, measurer, viewer or culler of any of said articles under this chapter, and duly qualified, unnecessarily refuses or neglects to attend to the duties of his office when requested, he forefeits three dollars; and if he connives at or willingly allows any breach of the provisions hereof, or practices any other fraud or deceit in his official duties, he forfeits thirty dollars to the use aforesaid.

Sec. 24, as amended by Laws, 1919, ch. 74, p. 60. Recovery of penalties.—All pecuniary penalties aforesaid may be recovered by action of debt, indictment or complaint, and all other forfeitures, by a libel filed by the treasurer or any inhabitant of the town interested. Where the violation of any of the provisions of this chapter is made an offense with a fine attached, the municipal courts and trial justices shall have concurrent jurisdiction of such offenses with the superior courts and supreme judicial courts.

Sec. 25°. Duty of surveyors of logs.—Surveyors of logs may inspect, survey and measure all mill logs floated or brought to market or offered for sale in their towns, and divide them into several classes, corresponding to the different quality of boards and other sawed lumber, which may be manufactured from them; and they shall give certificates under their hands of the quantity and quality thereof to the person, at whose request they are surveyed.

Sec. 26 (1909). Unit of measure of logs and timber; how measured.—Unless the parties otherwise agree, in the scaling or measurement of unmanufactured logs and timber the cubic foot shall be the unit of measure, to be determined by mathematical calculation or by such cubic rule as the parties may agree upon.

Sec. 27 (1915). Round timber shall be scaled.—Any person measuring round timber, the quantity of which is estimated by the thousand, shall scale the same and mark upon each log surveyed by him the contents thereof, unless otherwise agreed by the parties contracting.

Laws, 1919, ch. 124, p. 116.

Weighers and measurers not to give certificate of weight or measure until qualified; penalty.—It shall be unlawful for any weigher of coal, hay, straw, junk or other articles offered to be weighed, or for any measurer of wood, bark or charcoal to give a certificate of weight or measure until said weigher or measurer shall have qualified by taking oath for the faithful performance of the duties of his office. Whoever violates the provisions of this act shall be punished by a fine of not less than ten dollars or more than twenty-five dollars for each offense and trial justices and municipal courts shall have concurrent jurisdiction with the supreme judicial court of all prosecutions for violations of this act.

Rev. Stats., 1916, ch. 37, p. 648.

Sec. 14 (1909). Standard unit of measure for milk and cream.—All milk and cream bought and sold by measure for consumption within this State shall be bought and sold by wine measure, the standard for which shall be two hundred and thirty-one cubic inches to the gallon, and for subdivisions of the gallon, in the same proportion.

Sec. 15 (a1911). All measures, cans, etc., shall be proved and plainly marked.—All measures, cans or other vessels used in the purchase or sale of milk or cream, except glass bottles and jars sealed in accordance with the provisions of sections twenty and twenty-one, shall be tried and proved by the standard mentioned in the preceding section, by the sealer of weights and measures of the city or town in which the person, firm or corporation purchasing or selling such milk or cream resides or has a place of business. The sealer of weights and measures shall, agreeably to such standard, plainly stamp thereon the quantity which such measures, cans or other vessels hold, together with the year in which such measures, cans or other vessels are sealed. Whoever, by himself, clerk, servant or agent, sells by measure any milk or cream by any other than the measure so tried, sealed and marked, shall forfeit for each offense the sum of ten dollars. Any measure, can or other vessel used in the purchase or sale of milk or cream, lawfully sealed, as aforesaid, in any city or town within the State shall be deemed to be lawfully sealed under the provisions of this section.

Sec. 17 (1909). Penalty for mutilating cans and measures, or erasing names and marks from same.—Whoever by himself or by his servant or agent, or as the servant or agent of any other person, firm or corporation, having custody of a milk can, measure or other vessel used as a container for milk destined for sale, shall wantonly, wilfully or maliciously indent, bend or otherwise mutilate said can, measure or other vessel so that the same will not contain eight quarts and one pint, standard measure, as hereinbefore provided, or who shall wantonly, wilfully or maliciously erase, efface or otherwise mutilate said can, measure or other vessel so that any names, figures or other marks placed thereon by a sealer of weights and measures shall become illegible shall be punished by a fine not exceeding fifty dollars.

Sec. 20 (1913). Milk bottles shall be sealed; dealers in milk or cream shall cause bottles to be sealed; sealed bottles shall not be legal measure except for milk or cream.—Glass bottles and jars which are used for the distribution of milk or cream to consumers and which hold, when filled to a level with the bottom of the cap or stopple, not less than thirty-two ounces or more than thirty-two ounces and six drams; not less than sixteen ounces or more than sixteen ounces and four drams; not less than eight ounces or more than eight ounces and two drams for the quart, pint and one-half pint, respectively, shall be sealed as full measure under the provisions of section thirteen of chapter forty-eight, or by the manufacturer. All dealers in milk or cream who use glass bottles or jars for the distribution of milk or cream to consumers, which have not been sealed by the manufacturer, shall bring such bottles or jars to the office of their city or town sealer to be sealed as aforesaid. If a bottle or jar has once been

sealed by a sealer of weights and measures, or by the manufacturer, it shall not in any case be necessary to have it sealed again at any time while it is used for the distribution of milk or cream to consumers. Glass bottles or jars sealed under the provisions of this section shall not be legal measures except for the distribution of milk or cream to consumers.

Sec. 21 (a1915). Marking of bottles and jars sealed by manufacturer; bond of manufacturer.—Such bottles or jars as are sealed by the manufacturer shall be marked with the name, initials or trade-mark of the manufacturer, and designating number, which designating number shall be different for each manufacturer and may be used in identifying the bottles. The designating number and the words "Maine seal" shall be marked on the outside of the upper half of each bottle. The designating number shall be furnished by the State sealer of weights and measures upon application by the manufacturer, and upon filing by the manufacturer, with the treasurer of State, of a bond payable to the State in the sum of one thousand dollars, with sureties to be approved by the attorney general, conditioned upon his conforming to the requirements of this section. A record of the bonds furnished, the designating numbers and to whom furnished, shall be kept in the office of the State sealer of weights and measures.

Sec. 22 (1913). Penalty for violation.—Any manufacturer who sells milk or cream bottles to be used in this State that do not comply as to size and markings with the provisions of the two preceding sections, shall forfeit five hundred dollars, to be recovered by the attorney general in an action upon the bonds of such manufacturer. Any dealer who uses for the purpose of selling milk or cream, jars or bottles purchased after the third day of July, nineteen hundred and fifteen, that do not comply with the requirements of this section as to markings and capacity shall be deemed guilty of using false or insufficient measures.

Sec. 25 (1905). Milk shall be weighed and tested by the Babcock test; test shall be made by owners or operators of creamery; upon petition tests may be made by commissioner of agriculture; proviso.—All milk or cream purchased by any persons, firm or corporation, for use in or to be resold by any creamery in this State, shall be weighed and shall be tested by the Babcock test to ascertain the amount of butterfat per pound therein contained; and the value of the cream or milk thus purchased shall be determined by the amount of butterfat per pound as thus ascertained. The test herein provided shall be made by the owners or operators of the creamery purchasing as aforesaid; but upon petition in writing, signed by twenty-five per cent or more of the patrons of any creamery and addressed to the commissioner of agriculture, or upon petition in writing signed by the owner or operator of any creamery and addressed to said commissioner, one or more tests shall be made by, or under the direction of said commissioner, and the finding of said commissioner shall be conclusive upon all parties therein concerned: *Provided, however*, that when the total number of patrons of any one creamery exceeds one hundred then the number of petitioners herein required by patrons need not exceed thirty. All samples of cream treated by said test shall be weighed and the standard unit for testing shall be eighteen grams.

Sec. 26. Penalty.—Any person, firm or corporation, or the servant or agent of any person, firm or corporation, who shall violate the preceding section shall be punished by a fine not exceeding fifty dollars or by imprisonment not exceeding thirty days.

Sec. 28 (1915). Bottles and glasses used to measure milk or cream shall be tested for accuracy, and marked.—All bottles, pipettes or other measuring glasses used by any person, firm or corporation, or their agents or employees, at any creamery, butter factory, cheese factory, condensed milk factory or elsewhere in this State, in determining by the Babcock test or any other test, the value of milk or cream received from different persons at such creameries or factories, shall be tested before such use, for accuracy of measurement and for accuracy of the per cent scale marked thereon. Such bottles, pipettes or measuring glasses shall bear in marks or characters ineffaceable the evidence that such test has been made by the authority named in the following section. No inaccurate bottles, pipettes or other glasses shall bear such marks or characters.

Sec. 29. Duty of director of Maine Agricultural Experiment Station to test and mark all bottles, etc.—The director of the Maine Agricultural Experiment Station, or some competent person designated by him, shall test the accuracy of all bottles, pipettes or other measuring glasses used by persons, firms or corporations in the State buying or pooling milk or cream, or apportioning butter or cheese, made from the same, by the contents of butter-fat contained therein. The said director, or the person designated by him, shall mark such bottles, pipettes or other measuring glasses as are found correct, with marks or characters which can not be erased, and which marks or characters shall stand as proof that they have been so tested. The said director shall receive for such service no more than the actual cost incurred, which shall be paid by the persons or corporations for whom it is done.

Sec. 30. Persons who manipulate test shall be certified by superintendent of dairy school.—Any person, either for himself or in the employ of any other person, firm or corporation, who manipulates the Babcock test or any other test, whether mechanical or chemical, for the purpose of measuring the contents of butter-fat in milk or cream for a basis of apportioning the value of such milk or cream, or of the butter or cheese made from the same, shall secure a certificate from the superintendent of the dairy school at the University of Maine that he is competent and well qualified to perform such work. The rules and regulations in the application for such certificate and in the granting of the same shall be such as the superintendent of that school may arrange, and the fee for issuing a certificate shall not exceed one dollar, and shall be paid by the applicant.

Rev. Stats., 1916, ch. 60, p. 985.

Sec. 19 (1909). All meters furnished to consumers must be inspected and sealed.—No corporation, municipality, district or person shall furnish for use any gas, electric or water meter in any city or town, in which there shall be a duly appointed and qualified inspector of meters, unless such meter shall have been first inspected, approved, marked and sealed by such inspector. Every corporation, municipality or district or person furnishing gas, water or electric current to consumers, shall provide and keep in and upon its premises a

suitable and proper apparatus, to be approved and stamped by the inspector of meters for such city or town, for testing and proving the accuracy of all water, gas and electric meters, by which apparatus every meter furnished to a consumer shall be tested.

Sec. 20. Inspectors of meters, appointment.—The municipal officers of cities and towns may annually appoint an inspector of meters who shall serve for one year or until another is qualified in his stead, at such salary as the municipal officers shall determine. The said inspector shall have charge of the inspection of all water, gas and electric meters furnished for use in the city or town.

Sec. 21. Duties.—He shall, upon application in writing as provided in the following section, by any consumer of gas, water or electric current in said city or town, inspect, examine, prove, and ascertain the accuracy of any gas, water or electric meter of which complaint is made, and when the said meter shall be found, or made, to be correct, the inspector shall stamp or mark such meter with some suitable device, which device shall be recorded in the office of the clerk of the city or town where he was appointed.

Sec. 22. Application for inspection; removal of faulty meter; expense of inspection.—If any consumer, to whom a meter has been furnished, shall apply in writing to the city or town clerk for the inspection of such meter, and shall deposit with the clerk the fee fixed by the municipal officers for said service, the inspector shall inspect and test said meter and, if said meter on being so tested, shall be found to be incorrect to the extent of four per cent, if an electric meter, or two per cent, if a gas or water meter, to the prejudice of such consumer, the inspector shall order the corporation, district, municipality or person furnishing said meter forthwith to remove the same and to install in place thereof a meter which has been tested, approved, marked and sealed by an inspector of meters; and the inspector shall thereupon give a certificate to the consumer, showing the result of said test; upon presenting said certificate to the city or town clerk the consumer shall receive the fee deposited with said clerk; and in such case the corporation, district, municipality, or person shall bear the expense of such inspection and shall pay to the treasurer of the city or town the fee required of the consumer; but such consumer shall not be entitled to recover back in whole or in part from such corporation, municipality, district or person any sums paid for service prior to the filing of his application for inspection. All fees collected by the city or town clerk or treasurer shall be placed to the credit of the city or town to be used for municipal purposes.

Rev. Stats., 1916, ch. 36, p. 634.

Sec. 4 (1911). Every package of commercial feeding stuff shall be labelled, giving net weight, brand, or trade-mark.—Every lot or package of commercial feeding stuff, which is manufactured, sold, distributed, transported, offered or exposed for sale, distribution or transportation in the State by any person, shall have affixed in a conspicuous place on the outside thereof, a plainly printed statement, clearly and truly giving the number of net pounds in the package; the name, brand or trade-mark under which the article is sold; the name and principal address of the manufacturer or shipper;

* * *

Sec. 6, as amended by Laws, 1919, ch. 126, p. 117. Every package of commercial fertilizer shall be labelled, giving net weight, name or trade-mark.—Every lot or package of commercial fertilizer, which is manufactured, sold, distributed, transported, offered or exposed for sale, distribution or transportation in the State by any person shall have affixed in a conspicuous place on the outside thereof a plainly printed statement clearly and truly giving the number of net pounds in the package; the name, brand or trade-mark under which the fertilizer is sold; the name and principal address of the manufacturer or importer * * *.

Sec. 7 (1913). Lime, marl or wood-ashes classed as a commercial fertilizer.—Lime, marl or wood-ashes intended for fertilizing purposes, and without regard to the price at which it is sold or offered for sale, shall be classed as a commercial fertilizer within the meaning of this chapter. All the requirements and penalties relative to commercial fertilizers named in this chapter shall apply to any and every lot of lime, marl or wood-ashes intended for fertilizing purposes. * * *

Sec. 9 (1911). Every package of fungicide shall be labelled, giving net weight, name or trade-mark.—Every lot or package of a fungicide or an insecticide which is manufactured, sold, distributed, transported, offered or exposed for sale, distribution or transportation in the State by any person, shall have affixed in a conspicuous place on the outside thereof a plainly printed statement clearly and truly stating the number of net pounds in the package, the name or trade-mark under which the article is sold, the name and address of the manufacturer or shipper, * * *

Sec. 14 (1913). Misbranding of food regulated; quantity of contents to be shown.—For the purpose of this act an article of food in package form if sold at a greater price than five cents, shall also be deemed to be misbranded if the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: *Provided, however*, That reasonable variations shall be permitted, and tolerances shall be established by rules and regulations made in accordance with section thirteen of this act: *And further provided*, That the penalties of this act shall not be enforced on account of sale of food not branded in terms of weight, measure, and numerical count, purchased prior to September third, nineteen hundred and fourteen.

Sec. 25. Standard barrel for apples defined; standard bushel box defined; proviso.—The standard barrel[3] for apples shall contain seven thousand cubic inches: *Provided, however*, That a barrel of the following dimensions when measured without distention of parts: Length of stave, twenty-eight and one-half inches; diameter of head, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of bulge not less than sixty-four inches outside measurement, shall be a lawful barrel. The standard bushel box for apples shall contain two thousand three hundred and fifty cubic inches: *Provided, however*, That a box eighteen inches by eleven and one-half inches by ten and one-half inches, inside measurement, without distention of parts, shall be a lawful bushel box.

[3] See p. 20 relative to the Federal standard barrel.

Sec. 26 (1915). Marks upon barrels and boxes used in shipping apples.—Manufacturers of standard barrels and boxes to be used in shipping apples shall mark, in a conspicuous place, on each barrel the words "Standard barrel" and on each box the words "Standard box." Whoever fails to comply with this section shall be punished by fine not exceeding one hundred dollars. Municipal and police courts, and trial justices shall have original jurisdiction, concurrent with the supreme judicial court and the superior courts, of prosecutions under this section.

Sec. 28, as amended by Laws, 1923, ch. 94, p. 106, sec. 2. Size of package; name of owner, etc., to be on outside of package.—Every closed package of apples, which is packed, sold, distributed, transported, offered or exposed for sale, distribution or transportation in the State by any person shall have affixed in a conspicuous place on the outside thereof a plainly printed statement clearly and truly stating the size of the package in terms of standard bushel box or standard barrel, the name and address of the owner or shipper of the apples at the time of packing, the name of the variety, the class or grade of the apples contained therein, and the minimum size of the fruit in the packages, and if the apples were grown in Maine, that fact shall be plainly designated and the word apples must appear in all instances.

Sec. 29 (1913). Misbranded or adulterated apples shall not be packed.—No person shall within this State, pack, sell, distribute, transport, offer or expose for sale, distribution, or transportation, apples which are adulterated or misbranded within the meanings of sections thirty and thirty-one of this chapter.

Sec. 30. Term "adulterated" defined.—For the purpose of sections twenty-five to thirty-four, both inclusive, of this chapter, apples packed in a closed package shall be deemed to be adulterated if their measure, quality, grade or purity do not conform in each particular to the claims made upon the affixed guaranty.

Rev. Stats., 1916, ch. 38, p. 658.

Sec. 15 (a1897). Pressed hay, how to be marked; penalty; when person receiving hay not marked may defend action for price.—All hay pressed and put up in bundles, except hay pressed by farmers and retailed from their own barns, shall have the first letter of the Christian name and the whole of the surname of the person putting up the same, written, printed or stamped on bands or boards made fast thereto, with the name of the State and the place where such person lives. Whoever offers for sale or shipment any pressed hay not marked as aforesaid, except hay pressed by farmers and retailed from their own barns, forfeits one dollar for each bale so offered, to be recovered by complaint. No person who has received hay not marked as provided in this section shall defend any action for the price thereof upon that ground, unless he shall prove that, before the delivery of said hay to him, he requested the person from whom he bought the same to comply with the provisions of this section.

Rev. Stats., 1916, ch. 45, p. 703.

Sec. 9 (1901). Duty of inspector as to inspection and packing of fish.—Every inspector who inspects any kind of fish that are split and pickled for packing, shall see that they are, in the first instance, free

from taint, rust or damage, and well struck with salt or pickle; and such of said fish as are in good order and of good quality, shall be pickled in barrels, half barrels, quarter barrels and tenths of barrels or kits; each barrel containing two hundred pounds, and so on in that proportion; and the same shall be packed in good, clean coarse salt, sufficient for their preservation; and then each cask shall be headed up and filled with clear, strong pickle, and shall be branded by the inspector with the name and quality of the fish therein.

Sec. 11. Quality of casks and how made; dimensions.—All barrels and casks used for packing pickled fish, shall be made of sound, well-seasoned white oak, white ash, spruce, pine, chestnut or poplar staves with heading of either of such kinds of wood, sound, well planed and seasoned, and when of pine, free from sap, and the barrels hooped with at least three strong hoops on each bilge, and three also on each chime; the barrel staves shall be twenty-eight inches in length, and the heads not less than sixteen and one-half inches between the chimes, and made in workmanlike manner, to hold pickle. The barrels shall contain from twenty-eight to thirty gallons each, and the aliquot parts of a barrel in the same proportion.

Sec. 12. Pickled alewives and herring, how prepared and packed.—Every inspector who inspects pickled alewives or herring, or other small fish, packed whole or round, shall see that they are struck with salt or pickle, and then put in good casks of the size and material aforesaid, packed closely therein, and well salted, and the casks filled with fish and salt, putting no more salt with the fish than is necessary for their preservation; and the inspector shall brand or stencil all such casks with the name of the inspected fish as aforesaid.

Sec. 49 (1913). Boxes for smoked herring.—No person, firm or corporation engaged in the State in buying, selling and packing of smoked herring, shall sell or offer for sale smoked herring in boxes of less than the following dimensions, viz: Two inches in depth, six inches in width, inside measure, and twelve inches in length, outside measure. Whoever packs, sells or offers for sale, smoked herring in boxes in violation of this section shall forfeit twenty-five cents for each box so packed, sold or offered for sale; but this section does not apply to boxes of boneless herring.

Sec. 60 (a1909). Size of clam-bait barrel; penalty.—In all contracts relating to the sale of clam bait, fresh or salt, by the barrel, and clam bait barrels, such barrel shall be twenty-five and one-fourth inches long, and fifteen and one-half inches head diameter, outside measure. Whoever violates this provision shall be liable to a penalty not exceeding fifty dollars for each offense.

Laws, 1925, ch. 57, p. 40.

Sec. 1. Standard time defined.—Within the State of Maine, the standard time shall be based on the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich, known and designated by the Federal statute as " United States standard eastern time." It shall be unlawful for any town or other municipality to vote for, or otherwise establish, any other system of time.

MARYLAND

Ann. Code, 1924, Bagby, Vol. 2, Art. 97, p. 3032.

Sec. 1 (a1914). State standards.—The standards for weights and measures in this State, except as otherwise provided in this article, shall be the same as the standards of weights and measures of the United States.

Sec. 2. County inspector of standards, appointment of; duties.—The county commissioners of each county, shall, on or before the first day of May in each year, appoint some person, or persons, as inspector or inspectors of standards of weights and measures, who shall safely keep and preserve the same, and, when required, deliver them to said county commissioners, or to such persons as they may appoint to receive the same; and who shall perform the duties as prescribed by this article in the territory for which they have been appointed.

Sec. 3. Inspectors for Baltimore city, appointment of; duties of.—The comptroller of Baltimore city shall appoint such number of inspectors of standards of weights and measures as may be required for said city, said appointment to be made in the way and manner now, or that may hereafter be, adopted by the mayor and city council of Baltimore under and by virtue of the powers conferred by the charter of said city; and said inspectors shall safely keep and preserve said standards of weights and measures in and for the city of Baltimore, and, when required, deliver them to said comptroller, or to such persons as he may appoint to receive the same; and they shall perform the several duties prescribed by this article in and for the territory for which they have been appointed.

Sec. 4. Bond.—Each person so appointed for the several counties and the city of Baltimore, before entering upon the duties of his office, shall give bond to the county commissioners of the county for which he is appointed or to the mayor and city council of Baltimore city if appointed for said city, in the penal sum of five hundred dollars, conditioned for the faithful discharge of all the duties appertaining to his office.

Sec. 5 (a1916). All weights and measures to be inspected and stamped annually; other provisions for Baltimore.—All weights and measures used within this State in the vending of articles, shall be inspected and stamped or branded by said inspectors, and when adjusted shall be by said inspectors stamped or branded with letters "Md.S.," meaning thereby "Maryland Standard," together with the figures that will indicate the year of inspection, in such manner and on such parts of said weights and measures as shall be most lasting and effectual in preventing and detecting fraudulent practices or impositions in the use of such weights and measures; and the like inspection shall be repeated once in every year, and the year of inspection stamped or branded thereon: *Provided*, That such inspec-

tion and stamping or branding, as set out in this section, shall be done in the city of Baltimore at such times and in the manner as is now, or may hereafter be provided by the mayor and city council of said city. Such weights and measures so examined and stamped or branded as aforesaid, and no other, shall be used in this State in the vending of such articles as are directed by law to be, or are usually sold by weight or measure, firm or corporation or agent, employee or officer of any person, firm or corporation; and any person violating any one of the provisions of this section shall be liable to indictment in any court in this State having criminal jurisdiction, and upon conviction thereof shall be fined not more than fifty dollars, in the discretion of the court, for the first offense, and if convicted a second time for a violation of this section, the person or persons so offending shall be fined not more than one hundred dollars, and be imprisoned for not more than thirty days, in the discretion of the court, and his, her or their license, if any was issued for the business he, she or they are engaged in, shall be declared null and void by the judge of said court; and it shall not be lawful for such person or persons to obtain another license for the period of twelve months from the time of such conviction, nor shall a license be obtained by any other person or persons to carry on said business on the premises or elsewhere, if the person, so as aforesaid convicted, has any interest whatever therein, or shall derive any profit whatever therefrom; and in case of being convicted more than twice for a violation of this section, such person or persons on each occasion shall be imprisoned for not more than sixty days, and fined not more than double that imposed on such person or persons on the last preceding conviction; and his, her or their license, if any was issued, may be declared null and void by the court, and no new license shall be issued to such person or persons for a period of two years from the time of such conviction, nor to any one else to carry on said business wherein he or she is in anywise interested, as before provided for the second violation of the provisions of this section.

Sec. 6 (a1914). Inspections, when made; notice to be given.—The inspectors of weights and measures for the several counties of the State shall attend at the different markets, towns and villages, in the county for which they shall respectively be appointed at least once in each year, and at the different public inspecting warehouses in said counties at least twice in each year, on some certain days to be appointed by the county commissioners of which thirty days' public notice shall be given by advertisement inserted in some one or more newspapers in the counties in which there may be such paper printed, and also by advertisement set up at some conspicuous place in the said markets, warehouses, villages and towns, and shall inspect and adjust all beams and scales, weights and measures, used or intended to be used in said county: *Provided*, That such inspection and adjustment of all beams, scales, weights and measures in Baltimore city shall be made at the times and in the manner as is now or may hereafter be provided by the mayor and city council of said city.

Sec. 7. Record to be kept and report of same made; small packages to be examined and certificate issued to manufacturer, when.—Each inspector of weights and measures shall keep a record in book form,

in which he shall register the names of the persons whose beams and scales, weights and measures he has adjusted, also the names of the manufacturers or persons for whom sample packages have been measured, together with the day of the month and year, and number and description of the same so adjusted or measured, which he shall submit to the inspection of the county commissioners of the county for which he is appointed, or the comptroller of Baltimore city if appointed for said city, once in each year or oftener if required. It shall also be the duty of the inspector or inspectors of standards of weights and measures to examine all sample packages submitted to them for measurement, and if the submitted package or packages are found to be in conformity with the standard of measurements as provided for by this article, the said inspector or inspectors are to issue a certificate to the party or parties submitting the sample package setting forth this fact, which certificate is to be sufficient authority for the manufacturer of such packages to manufacture and to sell the same.

Sec. 8. Refusal to have weights or measures inspected; penalty.—If any person, firm or corporation, or agent, employee, or officer, of any person, firm or corporation shall refuse or neglect to have his, her, their or its beams or scales, weights and measures inspected and adjusted as directed in this article when required to do so by the proper officer, he, she, they, or it, shall be fined five dollars for every day during such delinquency.

Sec. 9 (a1920). Family scales prohibited for commercial purposes; penalty; not applicable, where.—It shall be unlawful for any person, firm or corporation, or agent, employee or officer of any person, firm or corporation to have in his, their or its possession for commercial purposes, any scale designated or commonly known as family scales. Any person, firm or corporation, or any agent, employee or officer of any person, firm or corporation having in his, her, their or its possession for commercial purposes any such scale, shall on conviction be subject to a fine of not less than twenty dollars nor more than fifty dollars for each offense: *Provided*, That this shall not apply to any county of which there is no inspector of weights and measures or other similar official.

Sec. 10 (a1914). Inspection and seizure of apparatus; how disposed of.—If any inspector shall be informed or has reason to suspect that any person, firm or corporation is using, or has in his, her, their or its possession with fraudulent intention any false beams or scales, or weights, or measures, he shall examine the same, and if he finds them, or any of them to be false he shall seize the same as a forfeiture, and adjust, and sell them at public auction; and shall annually return a statement of the money received therefor under oath to the county commissioners of the county for which he is appointed, or the comptroller of Baltimore city, if appointed for said city.

Sec. 11. Use of apparatus with broken, altered or condemned seal; penalty; proviso; not applicable to berry box or standard barrel.—If any weight or measure which shall have been stamped or branded as required by provisions of this article, shall be broken, injured, altered, or changed, or condemned by any inspector, and shall be found thereafter in the use of any person, firm or corporation, or agent, employee, or officer, of any person, firm, or corporation, within

this State, such person, firm, or corporation, or agent, employee, or officer of such person, firm or corporation, shall be fined twenty dollars for each and every offense: *Provided*, That this section shall not apply to the standard quart berry box or basket, nor to the standard barrel for the measurement in this State of green peas or beans in the hull.

Sec. 12 (1920). Unlawful to dispose of any condemned weight or measure; penalty.—It shall be unlawful for any person, firm or corporation, or for any agent, employee or officer of any person, firm or corporation to sell, destroy or dispose in any way of any scale, weight or measure which has been condemned by an inspector of weights and measures in the city of Baltimore without the knowledge and consent of said inspector, or to remove any tag placed on a scale, weight or measure by such inspector showing that it has been condemned until such scale, weight or measure has been re-inspected and approved, and the said tag shall be placed in a conspicuous place, and shall only be removed by one of the inspectors of weights and measures. Any one violating the provision of this section shall, upon conviction, be fined not less than twenty-five nor more than one hundred dollars for each and every offense.

Sec. 13 (a1914). Compensation of inspectors.—Each inspector for the several counties shall receive compensation for the discharge of his duties as the county commissioners of the county for which he is appointed shall think proper to allow, which shall be levied on the assessable property of said county, and collected as other county charges. And the inspectors appointed for Baltimore city shall receive compensation for the discharge of their duties as is now, or may hereafter be, provided by the mayor and city council of said city.

Sec. 14. Adjustment of apparatus by inspector; compensation therefor.—Whenever any inspector shall be applied to [to] adjust scales, weights and measures by adding to or diminishing the same, or to adjust scales and beams he shall be allowed an additional reasonable compensation therefor to be paid by the party so applying for his services.

Sec. 15. Standard gallon and subdivisions; barrel; hogshead.—The units or standards of measures of capacity for liquids designated in this article shall be based on a liquid gallon, or two hundred and thirty-one cubic inches; thirty-one and one-half gallons equaling one barrel, and two barrels one hogshead, continual divisions of the gallon by two, equaling half-gallons, quarts, pints, half-pints and gills.

Sec. 16. Dry measure; standard bushel and subdivisions.—The units or standards of measures of capacity for dry measure designated in this article shall be based on a dry bushel of two thousand one hundred and fifty and four-tenths cubic inches; continual divisions of the bushel by two, equaling half-bushels, pecks, half-pecks, quarter-pecks, quarts, pints and half-pints.

Sec. 17. Standard basket.—The standard five-eighths (⅝) of a bushel basket shall contain not less than thirteen hundred and forty-four (1,344) cubic inches.

Sec. 18. Standard measure for shipping and selling berries, nuts, and small fruits.—The standard of measure for shipping and selling

strawberries, raspberries, blackberries, currants, gooseberries, cranberries, whortleberries, cherries, plums, peanuts, kernels of other nuts, and all other berries and small fruits, grown and packed in this State, or grown elsewhere and packed or repacked in this State, shall be the quart containing sixty-seventh and two-tenths cubic inches, continual division of the quart by two, equaling pints and half-pints.

Sec. 19 (a1920). Standard berry boxes only permitted; penalty.—Any person, firm or corporation, or agent, employee or officer or any person, firm or corporation, having in his, her or its possession for use for the packing or repacking of the berries, fruits, nuts and other articles designated in the sixteenth section of this article, grown in this State or elsewhere, a berry box or basket of less capacity than that designated in section sixteen, shall on conviction be fined not less than twenty dollars nor more than fifty dollars for each offense; and the possession for use, or use of each such berry box or basket shall constitute a separate offense.

Sec. 20 (a1914). Standard bushel box or basket for shipment or sale of peaches, pears, tomatoes, other fruits and vegetables.—The standard bushel box or basket for the shipment or sale by the box or basket of peaches, pears, tomatoes, and all other fruits and vegetables grown and packed in this State, or grown elsewhere and packed or repacked in this State, shall be of the capacity of two thousand one hundred and fifty and four-tenths cubic inches when even full, a half-bushel box or basket for the same shall be of the capacity of one thousand and seventy-five and two-tenths cubic inches when even full.

Sec. 21 (a1916). Standard barrel for green peas or beans in the hull; dimensions; dimensions, how stamped; penalty.—The standard barrel[1] for the measurement of all green peas, or beans in the hull for which a heaping measure is now given, shall be of the following dimensions, namely: Diameter of said barrel at the top shall be eighteen and three-fourths inches inside the staves, the diameter at the bottom inside the staves shall be sixteen and one-fourth inches, and the depth of said barrel shall be twenty-six inches inside, and to contain in all six thousand two hundred and fifty-three and three-fourths cubic inches, measurement by said barrel to be struck measure. The dimensions of any barrel so used shall be stamped by the inspector of weights and dry measures of the city of Baltimore upon the same in three conspicuous places, and any person using a barrel for the measurement of peas, beans and like farm products without being so stamped shall be fined not less than one hundred dollars nor more than five hundred dollars, said fines to be collected as other fines are now collected.

Sec. 22 (a1914). Use of standard barrel after being broken, injured or altered; penalty for.—If any barrel for the measurement of green peas, or beans, in the hull when sold by the bushel in this State, which shall have been stamped as provided for in section 21 of this article, shall be broken, injured, altered, or changed, or condemned by the inspector, and shall be found thereafter in the use of any person, firm, or corporation, or agent, employee, or officer of any person, firm, or corporation, within the State, such person, firm, or

[1] See p. 20 relative to the Federal standard barrel.

corporation, or agent, employee, or officer of such person, firm or corporation, shall be fined not less than one hundred dollars for each offense.

Sec. 23. Standard barrel for shipment or sale of pears, potatoes, cabbage, carrots, onion and other fruits and vegetables; dimensions of.—The standard barrel for the shipment or sale by the barrel of pears, quinces, Irish potatoes, sweet potatoes, turnips, green peas, beans, cabbage, beets, parsnips, carrots, kale, spinach, broccoli, onions, and all other fruits and vegetables grown and packed in this State, or grown elsewhere and packed or repacked in this State, shall be of not less than the following dimensions: Diameter of top and bottom, sixteen and one-half inches, diameter of bulge, eighteen and one-half inches—both inside measurements, length of stave twenty-seven and one-half inches.

Sec. 24. Standard double-head barrel for shipment or sale of apples; dimensions.—The standard double-head barrel for the shipment or sale by the barrel of apples grown and packed in this State, or grown elsewhere and packed or repacked in this State, shall be of the following dimensions: Head diameter, seventeen and one-eighth inches (17⅛), regardless of the depth of the chine in the staves; distance between heads, twenty-six inches (26); inside measurement; circumference at the bulge, sixty-four inches (64), outside measurement.

Sec. 25. Manufacture or sale of barrels of less capacity; how marked; penalty; separate, offense, what constitutes.—Any person, firm or corporation in this State who manufactures, sells, offers for sale, or has in his, her, or its possession barrels, baskets, or boxes of the capacities defined in sections 20, 23, and 24 of this article, and if of less capacities than are defined in said sections 20, 23, and 24, must plainly mark in three conspicuous places on the exterior sides of said barrels, baskets, or boxes, in letters not less than one and one-half inches high the word "Short." Any person, firm, or corporation, or agent, employee, or officer of any person, firm, or corportion, violating any of the provisions of this section shall be fined not less than one dollar, nor more than five dollars for each offense; and the use, sale, or manufacture of each barrel, basket, box, half-box, or half-basket, not marked as designated herein shall constitute a separate offense.

Sec. 26. Standard weights per bushel, ton and barrel.—The standard weights for grain, hay, straw, produce, and mineral coal for this State shall be as follows:[2]

Apples (dried)		Corn (on cob)	
——pounds per bushel	28	——pounds per barrel	350
Apples (green)——do——	50	Corn (shelled)——do——	280
Alsike clover seed——do——	60	Corn meal—pounds per bushel	48
Alfalfa seed——do——	60	Clover seed——do——	60
Barley——do——	48	Castor beans or seed——do——	50
Barley malt——do——	34	Coal or culm——do——	80
Buckwheat——do——	48	Coal——pounds per ton	2,240
Blue-grass seed——do——	14	Charcoal (commercially dry)	
Dried beans——do——	60	——cubic inches per bushel	2,748
Bran——do——	20	Cowpeas—pounds per bushel	60
Carrots——do——	50	Flour——pounds per barrel	196
Corn (shelled)——do——	56	Flaxseed—pounds per bushel	56
Corn (on cob)——do——	70	Herd's grass seed——do——	45

[2] A slight change has been made in the arrangement for convenience of reference.

Hungarian grass seed	pounds per bushel	50	
Hemp seed	do	44	
Hay	pounds per ton	2, 000	
Lime	pounds per bushel	80	
Millet (German and American)	pounds per bushel	50	
Oats	do	32	
Onions	do	54	
Orchard grass seed	do	14	
Peaches (peeled)	do	40	
Peaches (unpeeled)	do	32	
Dried peas	do	60	
Potatoes (sweet and Irish)	pounds per bushel	60	
Peanuts	pounds per bushel	22	
Rye	do	56	
Red top grass seed (chaff)	do	14	
Red top grass seed (fancy)	pounds per bushel	32	
Rape	do	50	
Straw	pounds per ton	2, 000	
Salt (coarse)	pounds per bushel	70	
Salt (fine)	do	56	
Sorghum	do	50	
Timothy grass seed	do	45	
Turnips	do	60	
Wheat	do	60	

Sec. 27. Grain, quantity ascertained by weight, and also charges for freight, etc.—All charges for freight, measurement, weighing, inspection, wharfage and commission on grain shall be made on the number of bushels as ascertained by weight, and not by running measurement. Any person, firm or corporation, or agent, employee, or officer of any person, firm or corporation, violating any of the provisions of this section, shall be fined not less than five dollars nor more than fifty dollars for each offense.

Sec. 28. Cotton, woolen or other dry goods; penalty for false marking as to quantity.—No person shall sell any package or parcel of cotton, woolen, or other dry goods having any mark thereon or attached thereto indicating or stating a greater number or a larger quantity than is actually contained in such package or parcel; and any auctioneer, commission merchant or dealer so selling, shall in each case forfeit and pay to the purchaser or purchasers of each package or parcel double the value of the quantity of goods, which on actual measurement shall be found there is wanting in any such package or parcel to make up the number of yards or quantity marked thereon. All sums not exceeding one hundred dollars forfeited and payable under this section shall be recoverable by the purchaser or purchasers before a justice of the peace as other debts; and all sums exceeding one hundred dollars by appropriate action in any court having jurisdiction thereof in the city of Baltimore or the county where such sales were made.

Sec. 29. Tomatoes, standard weight; appointment of weigher; fee for weighing; salary of weigher.—The standard of weights of tomatoes in in the State of Maryland shall be sixty pounds to the bushel; and for the purpose of ascertaining the true weight thereof, there shall be appointed by the governor a weigher, who shall be chargeable with the duty of weighing all tomatoes and other vegetables sold by weight brought to center market of Baltimore city for sale by the wagon-load on the scales now located at said market when applied to, to have said tomatoes or other vegetables weighed; and who shall receive therefor the sum of ten cents per wagon-load for performing such services, two cents of which shall be paid by him quarterly to the comptroller to whom he shall give bond in the penalty of one thousand dollars, and the balance he shall retain as his own compensation for the services hereby imposed and performed; provided that besides the two cents he shall pay all excess over one thousand dollars to the comptroller, it being the intent of this section that he shall only receive one thousand dollars per

annum as his salary to be paid entirely from his fees, at eight cents net per load. The said tomatoes and other vegetables shall be weighed in the wagons, and after delivery to the purchaser the wagons and empty boxes shall be returned to the said scales and the weight thereof shall be deducted from the gross weight as shown by the first weighing, and the said packers or purchasers shall be required to pay for said vegetables at the weight certified by said weigher. In case the boxes, in which the tomatoes or other vegetables are contained, shall not be returned, said weigher shall weigh ten empty boxes, and the average weight shall be established as the weight of all boxes contained in any wagon or wagons so weighed by him, and any packer or purchaser who shall refuse to pay for the same according to the certificate of said weigher shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars, nor more than fifty dollars for each offense; and any driver of any wagon who shall sell, dispose of, or barter any of the produce in his wagon which has been sold to a packer or other purchaser between the time of the weighing of the same and the delivery to said packer or purchaser, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be fined twenty-five dollars for each offense.

Sec. 30 (a1920). Giving short weight or measure; penalty.—Any person, firm or corporation, or agent, employee or officer of any person, firm or corporation who shall knowingly and willfully give short weight or short measure to any one purchasing any article or commodity shall be guilty of a misdemeanor and shall on conviction be fined not less than twenty-five dollars nor more than five hundred dollars. A warrant for the arrest of any person, or agent, employees or officer of any person, firm or corporation may be issued at the instance of the purchaser receiving the short weight or measure or at the instance of any inspector of weights and measures in the State of Maryland.

Sec. 31 (a1914). Penalties, how recoverable.—All fines, forfeitures and penalties imposed by the several sections of this article, except as otherwise hereinbefore provided, shall be recoverable as now provided by the laws of the State of Maryland for the recovery of fines, forfeitures and penalties; one-half of said fines, forfeitures and penalties, except as otherwise hereinbefore provided, to be paid to the informer, and the other half to the city of Baltimore or the county in which the offense shall have been committed.

Sec. 47 (1924). Authority conferred on State board of agriculture to inspect weights and measures; penalty.—In addition to the powers of inspection, regulation and adjustment of scales, beams, weights and measures conferred by this article upon the inspectors appointed by the county commissioners of the several counties, and by the comptroller of Baltimore city, the State board of agriculture shall, through its officers, agents and employees, have the authority and power to inspect, regulate and adjust any or all scales, beams, weights and measures used in the several counties of the State and in the city of Baltimore in the vending or purchasing of agricultural products and farm supplies which are directed by law or are usually sold by weight or measure. The said State board of agriculture shall have and exercise, through its officers, agents and employees, all

the authority and power conferred by this article upon the inspectors appointed by the county commissioners of the several counties, and by the comptroller of Baltimore city, including the power to condemn any scale, beam, weight or measure which it is impossible to repair, and to prohibit the use of and to remove and destroy or otherwise dispose of the same. The authority and power hereby conferred shall be exercised in such manner, by such method or methods and at such time or times as shall be determined upon by the said State board of agriculture, and the said board shall have power to make or cause to be made an inspection or inspections of such scale, beams, weights and measures as, in its discretion, the public interest shall require.

Any person, firm or corporation, or any officer, agent or employee of such person, firm or corporation refusing to have his, her, their or its scales, beams, weights or measures inspected, regulated or adjusted by the said State board of agriculture, or its officers, agents or employees, as authorized by this article, or refusing to carry out the lawful orders of the said board, its officers, agents or employees, or interfering in any way with the exercise of the authority conferred by this article, shall, upon conviction, be subject to the penalties provided therefor in this article. The provisions of this section shall be construed as additional and supplemental to, and not in substitution for or in conflict with, any of the other sections of this article.

Ann. Code, 1924, Bagby, Art. 27, p. 954.

Sec. 178 (a1900). Fruit and vegetable packing.—An apple barrel[3] shall be of the following dimensions: Head diameter, seventeen and one-eighth inches; length of stave, twenty-eight and one-half inches; bulge, not less sixty-four inches, outside measurement; and every person, firm or corporation buying or selling apples in this State by the barrel shall be understood as referring to the quantity or size of the barrel specified in this section: *Provided, however,* That nothing in this section shall prevent any shipment of apples in the regular flour barrel.

Ann. Code, 1924, Bagby, Art. 20, p. 586.

Sec. 26 (a1904).—Every constable shall, upon complaint, enter into the house of any retailer, and there call for and inspect the measures used by such retailer.

Ann. Code, 1924, Bagby, Art. 43, p. 1534.

Sec. 192 (a1916). Food, net weight.—* * * That for the purpose of sections 189 to 200 an article shall also be deemed to be misbranded * * *

In case of foods: * * *

Third. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count: *Provided, however,* That reasonable variations shall be permitted and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of section 196.

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[3] See note p. 20 relative to the Federal standard barrel; also sec. 24, p. 339.

Ann. Code, 1924, Bagby, Art. 72, p. 2236.

Sec. 88 (a1900). Measure of oysters; oyster bushel; other oyster measures; oyster measure; penalty.—All oysters sold in this State shall be measured either in a one-half bushel tub, a bushel tub, a bushel and one-half tub or a three bushel tub, and no instruments shall be used for measuring oysters in the shell but an iron circular tub with straight sides and a straight solid bottom, with holes in the bottom for draining, such holes to be no larger, however, than one inch in diameter; a half bushel tub shall have the following dimensions, all measurements to be from inside to inside: fifteen inches across the top, thirteen inches across the bottom; and seventeen inches diagonally from the inside chime to the top; a bushel tub shall measure sixteen and one-half inches across at the bottom from inside to inside, twenty-one inches diagonally from the inside chime to the top, and eighteen inches across from inside to inside from the top; a bushel and one-half tub shall measure nineteen inches across the top from inside to inside, eighteen inches across the bottom from inside to inside, and twenty-four inches diagonally from the inside chime to the top; a three bushel tub shall measure twenty-four inches across the top from inside to inside, twenty-two inches from inside to inside at the bottom, and twenty-nine [and] twenty-six-hundredths inches diagonally from the inside chime to the top, and all oysters measured in the shell as required by law shall be even measure to the top of the tub only, and any person or persons engaged in the business of buying or selling oysters in this State who shall own or have in his possession any instrument of measurement for oysters in the shell which shall differ in size or description from the measure herein before mentioned, or shall demand a greater measure than herein before mentioned, shall be guilty of a misdemeanor, and punished upon conviction before a court of competent jurisdiction, to be fined a sum of not less than fifty dollars nor more than one hundred dollars or committed to the house of correction for a period of not less than three months nor more than six months, or both, in the discretion of the judge or justice of the peace trying the same; and in case a fine is imposed under the provisions of this section, said fine to be paid over by the officer making the arrest to the comptroller of the State, to be credited to the oyster fund; one-half, however, to be paid to the informer, unless he be an officer of the State fishery force. Said measures shall also be the standard measure for shells, and the use of any other measure for that purpose shall be punished, as is prescribed by this section, for the use of any other measures for measuring oysters, and the measurers or special inspectors are hereby forbidden to handle or interfere with the oysters in or upon the tub or measure for the purpose of pressing or pushing down the same, under penalty of removal from office and a fine of ten dollars for each offense.

Ann. Code, 1924, Bagby, Art. 48, p. 1752.

Sec. 19 (a1916). Weighing of tobacco in warehouses.—It shall be the duty of each inspector to cause each hogshead of tobacco before it is uncased, to be weighed, and the tobacco in each hogshead and the cask itself, to be separately weighed in his presence or that of his weighing clerk, in scales with weights of the proper standard; and

the weight of each hogshead as first weighed, and the gross and net weight of the tobacco therein contained after inspection, to be entered in a proper book, with sufficient reference to its numbers and marks as previously recorded.

Sec. 20. Net weight to be marked on hogshead.—It shall be the duty of each inspector to cause to be marked with a marking-iron on the side of each hogshead of tobacco under his charge, the warehouse, number and weight of said hogshead, and the net weight of tobacco contained therein, and to cause the warehouse number of such hogshead to be marked with blacking on each head thereof.

Sec. 31. Tobacco, when weighed; record to be kept.—All tobacco inspected in any of the warehouses which may be condemned or stayed shall be carefully cased up and weighed and the gross weight and tare be entered upon a book kept for that purpose, together with the number of breaks in such hogshead as may be stayed, also the cause, whether for false packing, trash, order or wet.

Sec. 40. Hogsheads for tobacco; size.—No tobacco of the growth of this State shall be passed or accounted lawful tobacco unless the same be packed in hogsheads not exceeding fifty-four inches in the length of the staves, nor exceeding forty-six inches across the head; and the owner or his agent of tobacco packed in any hogshead of greater dimensions shall repack the same in hogsheads of the size herein prescribed, at his own expense before the same shall be passed.

Sec. 96 (1920). Net weight to be marked on packages of feeding stuff.—Every lot or parcel of commercial feeding stuffs sold, offered or exposed for sale or distributed within this State shall have printed thereon or affixed thereto a tag or label, in a conspicuous place on the outside thereof, containing a legible and plainly printed statement in the English language, clearly and truly certifying:

(*a*) The net weight of the contents of the package, lot or parcel;

(*b*) The name, brand or trade-mark;

(*c*) The name and principal address of the manufacturer or person responsible for placing the commodity on the market; * * *

Sec. 106 (1912). Agricultural lime.—Every manufacturer, company or person who shall sell, offer or expose for sale or for distribution in this State any agricultural lime as defined in the following section of this subtitle, used as a fertilizer or land improver, shall affix to every package of such agricultural lime, in a conspicuous place on the outside thereof a plainly printed statement, clearly and truly certifying the number of net pounds in the package sold or offered for sale, the name of the manufacturer or shipper, the place of manufacture, the place of business, * * *

Ann. Code, 1924, Bagby, Art. 61, p. 2123.

Sec. 4 (a1922). Fertilizer, net weight to be marked.—That every bag, barrel, or package of fertilizer must bear plainly and conspicuously on the outside of same, and every parcel or lot sold in bulk must be accompanied by a clear and true statement in legible print, in the order herein stated, the following:

The net weight of the contents of the package or lot in pounds;

Brand name or trade mark; * * *

Name and address of manufacturer. * * *

Ann. Code, 1924, Bagby, Art. 89, p. 2761.

Sec. 150 (1922). Operators of coal mines to provide scales; maintenance of such scales; record of coal weighed.—The operator of every coal mine where miners are paid by weight, shall provide and hereafter maintain suitable and accurate scales, which scales shall be examined, tested, and kept in thorough repair by a competent person employed by such operator, at least once in every six months; a correct record shall be kept of all coal so weighed, which record shall be open at all reasonable hours to the inspection of miners employed at such mine. Such operator shall keep at the mine weighhouse such standard United States test weights as may be prescribed by the bureau, for use in testing such scales.

Sec. 151. Screening of coal prohibited before weighing.—The operator of every such mine, where miners are paid by weight, shall not, before weighing the coal, pass the same over any screen or other device which shall take any part from the value thereof, or otherwise remove any of the coal; and shall duly credit the just and merchantable weight thereof to the employee sending the same to the surface.

Sec. 152. Competency of persons authorized to weigh coal.—The person authorized to take such weight and keep such record shall, before entering upon his duties, satisfy the district mine inspector that he understands the operation and adjustment of mine scales; and shall before entering upon his duties take and subscribe before a person authorized to administer oaths, an affidavit that he has not, and will not have, while so employed, any financial interest, direct or indirect, in such mine; and that he will accurately weigh and carefully keep a record of all coal weighed; which affidavit shall be filed in the office of the clerk of the circuit court for the county, and a copy thereof kept conspicuously at the place of weighing: *Provided*, That in the event that any person so authorized to take such weight and keep such records shall become incapacitated, the operator may in such emergency appoint some other person, who understands the operation and adjustment of mine scales, who may act in the place and stead of the person authorized until such emergency appointee or some other person may be duly qualified: *Provided*, That immediate action shall be taken to qualify such a person and an immediate report of such emergency action shall be transmitted to the district mine inspector.

Sec. 153. Check-weighmaster may be employed; duties.—The miners employed in any coal mine in this State shall have power, if they desire, of employing at their own expense a check-weighmaster, who shall have the right to be present and observe the weighing of coal by the weighmaster, to examine and test the scales, to inspect records made by such weighmaster; and be subject to the same qualifications, oath and penalties as such weighmaster.

Sec. 154. Weighmaster; duties.—The weighmaster shall balance, test and examine the scales each morning before starting to weigh coal; and shall accurately weigh and record the just net weight of such coal, crediting the employee who has sent the same to the surface in tons and hundredweights computing therefor any majority fraction of a hundredweight as a whole hundredweight, and omitting

credit of any fraction of a hundredweight less than one-half a hundredweight.

Sec. 155. Bushel and ton of coal.—Seventy-six pounds avoirdupois shall constitute one bushel of coal; and two thousand pounds avoirdupois shall constitute one ton of coal.

Sec. 156. Bureau to be inspector of weights and measures at all mines.—The bureau is hereby made inspector of weights and measures at all mines of this State, and all inspectors thereof are authorized, empowered and directed, under regulations of such bureau, to conduct frequent inspections of all scales, measuring instruments, cars, and containers, and to determine their condition, accuracy, correct branding, weight, use and operation, to assure the proper use thereof and the competency of any person authorized to use them.

Sec. 157. Standard measure to be provided.—The operator of every coal mine where miners are paid by measurement, shall provide and maintain at such mine a standard measure, approved by the bureau, with which all cars or other containers of coal shall be checked and their respective capacities be determined and plainly branded thereon, subject to approval by the bureau.

Sec. 158. Use of false or incorrect scale; penalty.—Any person or persons having or using any scale, measure, car, container or other instrument for the purpose of determining the amount of product and resulting compensation of any workman employed in or about any such mine, who shall knowingly or of gross negligence so arrange, construct or operate any such instrument that an incorrect determination and compensation may be reported, or shall make or permit to be made an incorrect and fraudulent record and account thereof, shall be guilty of a misdemeanor; and every day any such instrument is so arranged, constructed, or operated to obtain such incorrect determination, or such incorrect and fraudulent record and account is made or permitted to be made, shall be a separate offense.

MASSACHUSETTS

Gen. Laws, 1921, Vol. 1, ch. 23, p. 92.

Sec. 1, as amended by Acts, 1921, ch. 306, sec. 1. Department of labor and industries.—There shall be a department of labor and industries, under the supervision and control of a commissioner of labor and industries, in this chapter called the commissioner, an assistant commissioner, who shall be a woman, and three associate commissioners, one of whom shall be a representative of labor and one a representative of employers of labor.

Sec. 3, as amended by Acts, 1921, ch. 306, sec. 2. Commissioner; certain duties.—The commissioner shall be the executive and administrative head of the department. He shall have charge of the administration and enforcement of all laws, rules and regulations which it is the duty of the department to administer and enforce, and shall direct all inspections and investigations except as otherwise provided. He shall organize in the department a division of standards and such other divisions as he may from time to time determine, and may assign the officers and employees of the department thereto. He shall prepare for the consideration of the assistant commissioner and the associate commissioners rules and regulations for the conduct of the department and all other rules and regulations which the department is authorized by law to make, and they shall, except as otherwise provided, take effect when approved by the associate commissioners and the assistant commissioner, or upon such date as they determine. The commissioner may designate the assistant commissioner or an associate commissioner to discharge the duties of the commissioner during his absence or disability.

Sec. 4, as amended by Acts, 1924, ch. 119, p. 78. Directors; other appointees.—The commissioner, assistant commissioner and associate commissioners may, with the approval of the governor and council, appoint, and fix the salaries of, not more than five directors, and may, with like approval, remove them. One of them, to be known as the director of standards, shall have charge of the division of standards, and each of the others shall be assigned to take charge of a division. * * *

Sec. 5 (a1919). Certain requirements as to officers and employees.—All directors, inspectors and other permanent employees of the department shall devote their whole time to the affairs of the department; and all directors and inspectors and such other employees as may be designated by the commissioner shall, before entering upon their duties, be sworn to the faithful performance thereof. The number of inspectors heretofore authorized by law may be increased only with the approval of the governor and council. The commissioner, assistant commissioner and associate commissioners shall determine from time to time how many of the inspectors employed shall be women.

Sec. 8 (1919). Duties of the director of standards.—The director of standards shall, in addition to the powers and duties conferred and imposed upon him by law, perform such other duties as may be assigned to him by the commissioner.

Sec. 9, as amended by Acts, 1924, ch. 259, p. 242. Inspectors of standards.—Inspectors of standards appointed under section four shall give bond for the faithful performance of their duties.

Gen. Laws, 1921, Vol. 1, ch. 98, p. 959.

Sec. 1 (a1919). Definitions.—In this chapter the following words, unless a different meaning is required by the context or is specifically prescribed, shall have the following meanings:

"Director," director of standards of the department of labor and industries.

"Deputy," deputy sealer of weights and measures.

"Inspector," inspector of standards.

"Sealer," sealer of weights and measures.

"Weighing or measuring device," all weights, measures, scales, balance beams, vibrating steelyards, and weighing or measuring devices used for weighing or measuring any commodity bought, sold or exchanged or for hire or reward, computing scales and other devices having a device for indicating or registering the price as well as the weight or measure of a commodity offered for sale, taximeters and other forms of measuring devices used upon vehicles for determining the cost of transportation; and all machines and other forms of measuring devices used or intended to be used for determining the measurement of leather bought, sold or offered for sale.

Sec. 2 (1894). Relation of avoirdupois to troy pound.—The avoirdupois pound shall bear to the troy pound the relation of seven thousand to five thousand seven hundred and sixty. The hundredweight shall contain one hundred avoirdupois pounds, and the ton twenty hundredweight.

Sec. 3 (a1920). State standards.—The following weighing and measuring devices now in the custody of the director shall be the sole authorized standards, except as provided in sections four, nine and ten of this chapter, and in section one of chapter ninety-nine, and with the standards supplied under authority of said sections shall be called the State standards: A set of dry measures consisting of one half-bushel, eight, four, two and one quarts, one pint and one half-pint; a set of liquid measures consisting of one gallon, two and one quarts, one pint, two and one gills; a set of apothecaries' liquid measures consisting of one gallon, four, two and one pints, twelve, eight, six, four, three, two and one ounces, four, two and one drams, ten and five minims; a set of avoirdupois weights consisting of fifty, twenty-five, twenty, ten, five, four, three, two and one pounds, eight, six, four, three, two and one ounces, eight, six, four, three, two and one drams; a set of troy weights consisting of five thousand, three thousand, two thousand, one thousand, five hundred, three hundred, two hundred, one hundred, fifty, thirty, twenty, ten, five, three, two and one pennyweights, ten, six, five, four, three, two and one grains, one half a grain, twelve, ten, six, five, four, three, two, and

one ounces, five tenths, four tenths, three tenths, two tenths, one tenth, five one-hundredths, four one-hundredths, three one-hundredths, two one-hundredths, one one-hundredth, five one-thousandths, four one-thousandths, three one-thousandths, two one-thousandths, one one-thousandth, five ten-thousandths, four ten-thousandths, three ten-thousandths, two ten-thousandths, and one ten-thousandth of an ounce; a set of apothecaries' weights consisting of twelve, six, two and one ounces, four, two and one drams, two and one scruples, ten, five, four, three, two and one grains, one half, one quarter and one tenth grains; a yard measure and three sets of balances.

Such standards shall be kept by the director, and he shall, at least once in five years, cause them to be compared with the standards of the United States Government, and, if necessary, corrected to agree therewith.

Sec. 4. Weights, etc., to be replaced, when; additional State standards.—The State standards shall also include all weighing and measuring devices received from the United States under the resolution of Congress approved June fourteenth, eighteen hundred and thirty-six, and all other weighing and measuring devices received from the United States as standard weights and measures, and such as have been or shall be supplied by the Commonwealth and certified by the National Bureau of Standards. Weighing and measuring devices procured to replace the standards shall be preserved in the same form and of the same dimensions as required of said standards, and the denominations thereof shall be marked thereon.

Sec. 5. Municipal standards.—Towns shall keep the following standard weights, measures and balances: A set of avoirdupois weights consisting of fifty, twenty-five, twenty, ten, five, four, two and one pounds, and eight, four, two, one, one half, one quarter, one eighth and one sixteenth ounces; a set of dry measures consisting of one half-bushel, one eight-quart, one four-quart, one two-quart, one one-quart, one pint and one half-pint; a set of liquid measures consisting of one gallon, one half-gallon, one quart, one pint, one half-pint and one gill; one balance; one yard measure; and each town hereafter incorporated shall be furnished by the director with a complete set of the foregoing standards. Each city and each shire town shall keep the meter and kilogram and the standard troy weights designated by the director.

Sec. 6 (a1909). Safe keeping of town standards.—Town treasurers shall, at the expense of the towns, provide therein accessible places for the safe and suitable keeping and preservation of the standards furnished by the Commonwealth, which shall be used only as standards. The treasurer shall have the care and oversight thereof; shall see that they are kept in good order and repair; and if any are lost, destroyed or irreparably damaged, shall, at the expense of the town, replace them by similar standards. Towns may effect insurance on such standards for their own benefit.

Sec. 7 (a1897). Penalty for neglect of town treasurer.—Every such treasurer who neglects to provide a suitable place for keeping such standards, or to keep them in good order and repair, or who suffers any of them through his neglect to be lost, damaged or destroyed, shall forfeit two hundred dollars.

Sec. 8 (a1816). Vibrating steelyards.—Vibrating steelyards may be used if each beam and the poises thereof are annually tried, proved and sealed by a sealer or deputy.

Sec. 9 (1917). State clinical standard thermometer.—A clinical standard thermometer supplied by the Commonwealth and certified by the National Bureau of Standards for use by the Commonwealth, shall be the State clinical standard thermometer. Nothing in the five following sections shall be construed as adopting or authorizing the adoption of any particular scale as the thermometer standard for this Commonwealth.

Sec. 10 (a1919). Office clinical standard thermometer.—The Commonwealth shall also supply additional clinical standard thermometers necessary to carry out sections nine to fourteen, inclusive, to be known as office clinical standards. Such thermometers shall be verified by the director upon their receipt and at least once in each six months thereafter, by direct comparison with the State clinical standard thermometer. The office clinical standards may be used in making comparisons of clinical thermometers under test.

Sec. 11. Tolerances, etc., for clinical thermometers.—The director shall promulgate tolerances and specifications for clinical thermometers. A correct clinical thermometer shall be one conforming to the standard established as provided in section nine and to specifications promulgated under this section, within such tolerances.

Sec. 12 (a1921). Testing of clinical thermometers.—The director may at any time inspect and test any clinical thermometer in the possession of any manufacturer or dealer in this Commonwealth and for this purpose may remove the same to such place as he may deem most convenient. Whenever he inspects and tests such a thermometer and finds it to be correct he shall seal, mark or otherwise certify it as correct. Whenever he inspects and tests such a thermometer and finds it to be incorrect he may condemn, seize and destroy it; or he may return it to the owner upon a satisfactory guarantee that it will not be sold or used. The following fees for testing clinical thermometers shall be paid to the director for the use of the Commonwealth: (*a*) One to eight thermometers, inclusive, twenty-five cents for the first and ten cents for each additional one; (*b*) any number from nine to eleven, inclusive, total fee one dollar; (*c*) one dozen to six dozen, inclusive, one dollar per dozen; (*d*) more than six dozen and not more than twelve dozen, seventy-five cents per dozen; (*e*) more than twelve dozen, sixty cents per dozen.

Sec. 13. Sealing by manufacturer.—The director shall prescribe rules and regulations governing the manufacture and sale of clinical thermometers and may authorize the sealing of such thermometers by any manufacturer thereof upon his agreement to conform to said rules and regulations and the filing of a surety bond in such sum and upon such terms as the director may require. When representative samples of any clinical thermometer have been submitted by the manufacturer to the director and approved by him, he shall assign a designating mark which shall thereafter be permanently engraved by the manufacturer upon all clinical thermometers which are intended for sale and which conform to the samples which have been so approved. Clinical thermometers sealed by the manufacturer shall be marked with the name, initials or trade mark of the

manufacturer, and with such other marks as the director may authorize or require. The director may revoke the authority given by him to any manufacturer under the provisions of this section upon proof that the authorized seal or designating mark has been affixed to a thermometer not conforming to the approved sample or that the prescribed rules and regulations have not been complied with.

Sec. 14. Penalty for sale of unsealed, etc., clinical thermometers.—Whoever, himself or by his servant or agent, or as the servant or agent of another person, keeps for the purpose of sale, offers or exposes for sale, or sells any clinical thermometer not sealed, marked or certified as correct by the director, or by the manufacturer as provided by the preceding section, shall be punished by a fine of not more than ten dollars for each thermometer so sold, or kept, offered or exposed for sale, and whoever violates any rule or regulation prescribed by the director under authority of said section shall be punished by a fine of not more than fifty dollars.

Sec. 15 (a1920). Sealing of glass milk bottles or jars.—Glass bottles or jars used for the distribution of milk or cream to consumers, and holding, when filled to a level with the bottom of the cap or stopple or other definite filling point, not less than three ounces and seven drams and not over four ounces and two drams; not less than seven ounces and six drams and not over eight ounces and two drams; not less than fifteen ounces and five drams and not over sixteen ounces and four drams; not less than thirty-one ounces and four drams and not over thirty-two ounces and four drams; not less than forty-seven ounces and three drams and not over forty-eight ounces and five drams; not less than sixty-three ounces and two drams and not over sixty-four ounces and six drams, shall be sealed as measures under section forty-one or by the manufacturer. Dealers in milk or cream using glass bottles or jars for the distribution of milk or cream to consumers, not sealed by the manufacturer, shall bring them into the office of the sealer in their town, to be sealed; but no fee shall be charged or received for sealing them. If a bottle or jar has once been sealed by a sealer or manufacturer, it need not be sealed again while used for the distribution of milk or cream to consumers. Glass bottles or jars sealed hereunder shall be legal measures only for the distribution of milk or cream to consumers. Bottles or jars sealed by the manufacturer shall be marked with his name, initials, or trade mark, and by any other mark required by the director. The sealing of such bottles or jars by the manufacturer shall not affect any law relating to the giving of false measure or the using, or having in possession, of false measures with intent to use the same. The director, on approval by the commissioner of labor and industries may revoke the authority given by him to any manufacturer under this section, on proof that the authorized seal or designating mark has been affixed to any bottle or jar not conforming to the respective capacities provided for in this section.

Sec. 16 (1910). Sealing of paper or fibre milk bottles.—Paper or fibre bottles and jars used for the distribution of milk or cream to consumers, and holding, when filled to a level with the bottom of the cap or stopple, not less than eight, sixteen, thirty-two, forty-eight or sixty-four ounces, shall be sealed as measures under section forty-

one or fifty-one, or by the manufacturer in the manner provided in the preceding section, and when so sealed may be used as provided by law for glass milk jars and bottles. Every such bottle or jar shall have plainly stamped upon it by the manufacturer the words: "Penalty for re-use, twenty-five dollars."

Sec. 17. Penalty for re-use of such bottles.—Whoever re-uses any such paper or fibre bottle or jar for distributing milk, cream or other liquid used for food after such bottle or jar has been once used therefor, shall be punished by a fine of not more than twenty-five dollars.

Sec. 18 (a1921). Testing of milk containers.—All cans or containers sold for use in the purchase or sale of milk or cream at wholesale shall have their capacity plainly, conspicuously and indelibly marked thereon in terms of liquid quarts. They shall be sealed by the manufacturer thereof, as hereinafter provided, or by a sealer of the town where the user resides or has a usual place of business. The director shall prescribe regulations governing the sealing of such cans or containers by the manufacturer and may authorize such sealing by any manufacturer upon his agreement to conform to said regulations. The director may at any time, for cause, revoke the authority so given by him to any manufacturer. When sealed by the manufacturer, such cans or containers shall be marked with his name, initials or trademark and with any other designating marks which the director may require. The sealing of such containers by the manufacturer shall not exempt the user from the laws relative to giving a false or insufficient measure, using a false measure, or having the same in possession with intent to use. Sealers of the town where the user resides or has a usual place of business shall at least annually inspect all cans or containers marked and sealed in accordance with this section and shall make a record of such inspections. When once sealed as herein required, a can or container need not again be sealed while in the same condition as when first sealed.

Sec. 19. Penalty.—Whoever, by himself or by his servant or agent, or as the servant or agent of another person, sells any can or container to be used in the purchase or sale of milk or cream at wholesale that is not marked and sealed as required by the preceding section, shall be punished by a fine not exceeding ten dollars for each can or container so sold. Whoever, by himself or by his servant or agent, or as the servant or agent of another person, uses any can or container in the purchase or sale of milk or cream at wholesale that is not marked and sealed as required by the preceding section, shall be punished by a fine not exceeding ten dollars for each offence. The director, inspectors and sealers shall enforce the provisions of this and the preceding section.

Sec. 20 (1920). Containers for sale of ice cream to be sealed by manufacturer, etc.—All cans, moulds or other containers used in the sale of ice cream by measure shall be of the capacity of Massachusetts standard liquid measure. Such cans, moulds or other containers shall be sealed, as hereinafter provided, by the manufacturer thereof, or by a sealer, and shall not be legal measures except for ice cream. When sealed by the manufacturer, such containers shall be marked with his name, initials or trade mark. They may also be marked with any other designating mark assigned to him by the director; provided, that he has agreed to conform to the regulations made by the director relative thereto. When such containers have not been

sealed by the manufacturer, they shall be sealed, before they are used, by a sealer, and the dealer who intends to use them shall bring such containers to the office of such sealer for that purpose, but no fee shall be charged for sealing them. The sealing of such containers by the manufacturer shall not be held to exempt the user from the laws relating to the giving of false or insufficient measure, or the using of a false measure, or having in his possession a false measure with intent to use.

Sec. 21. Sealers to inspect semiannually.—Sealers shall inspect at least semiannually all cans, moulds or other containers sealed in accordance with the preceding section, and shall make a record of such inspection. If a container has once been sealed as aforesaid, it shall not be necessary to have it sealed again while it is used for the sale of ice cream as long as it remains in the same condition as when first sealed.

Sec. 22 (a1921). Regulation of containers.—Paper or fibre cartons which are used for the sale by measure of viscous or semi-solid commodities or mixtures of solids and liquids shall contain and shall be sold as containing one quart, one pint, one half pint or one gill, Massachusetts standard liquid measure. Such cartons shall be of such shape and dimensions as may be approved by the director. Whenever the shape and dimensions of any such carton have been so approved, the director may authorize the manufacturer to have printed thereon a statement of its capacity in terms of Massachusetts standard liquid measure, with the words "Approved by the director of standards for Massachusetts," and with such other marking as the director may require. Such cartons shall be legal measure only for such commodities as may be designated by the director and shall be exempt from the laws requiring the sealing of measures.

Sec. 23 (1920). Test of containers by the director or a sealer.—A sealer or deputy of any city or town or the director or an inspector may, if he so desires, and shall, upon complaint, test the capacity of any container which is used or intended to be used as a measure under sections twenty to twenty-four, inclusive; and if the same does not conform to the law, he shall seize it and enter complaint. The director may, at any time, for due cause, revoke any authority or permit granted by him to any manufacturer under said sections.

Sec. 24. Penalty for unauthorized marking.—Whoever violates any provision of sections twenty to twenty-three, inclusive, and whoever marks a container or other measure, or procures the same to be marked or has printed thereon or procures to have marked or printed thereon, a mark, number or designation without the approval or authority of the director, except as provided in section twenty, shall be punished by a fine of not more than fifty dollars.

Sec. 25 (a1920). Weighing or measuring devices to be marked "Condemned," when.—All weighing or measuring devices which can not be made to conform to the standard shall be stamped, marked or labelled "Condemned" or "CD" by the sealer. Weighing or measuring devices in possession of a merchant or vendor not used for buying or selling, or for weighing and measuring for hire or reward shall be plainly marked by the sealer with a notice that such articles have not been sealed under this chapter. Whoever removes said notice without the consent of the person affixing the same shall be punished by a fine of not more than fifty dollars.

Sec. 26. Penalty for using, etc., false weights and measures.—Whoever uses, or has in possession with intent to use, a false or condemned weighing or measuring device for weighing or measuring any commodity bought, sold or exchanged, or for hire or reward, shall be punished by a fine of not more than fifty dollars. The possession of such weighing or measuring device shall be prima facie evidence of intention to use it in violation of law.

Sec. 27 (a1897). Penalty for using unsealed weights.—Whoever sells or, if by the custom of trade such weighing or measuring devices are provided by the buyer, buys, by any weighing or measuring device which has not been sealed according to law shall forfeit not more than twenty dollars to the use of the person suing therefor.

Sec. 28 (a1878). Value of goods sold by unsealed weights may be recovered.—A seller may recover the fair market value of goods, wares or merchandise sold, if they were, for the purpose of the sale, weighed or measured upon weighing or measuring devices not sealed according to law, or weighed or measured by a person not a sworn weigher, measurer or surveyor, or by a person not authorized by law to weigh or measure the same, if such sale is made in good faith and the purchaser is not injured thereby.

Sec. 29, as amended by Laws, 1925, ch. 72, p. 54. Use of weighing and measuring devices; measurement of shingles; approval of type of weighing or measuring device.—The director shall enforce the laws relating to the use of weighing and measuring devices and the giving of false or insufficient weight or measure and shall keep a detailed record of his work in connection therewith. He shall also from time to time establish units of measurement to be observed in the sale of wooden shingles in the commonwealth. He may also, if he deems it desirable, and shall, upon request of the manufacturer of any weighing or measuring device or of any sealer of weights and measures, examine such device to determine whether or not its construction is such as to insure reasonably permanent accuracy and whether or not it may be used to facilitate the perpetration of fraud, approving or disapproving it accordingly. When any weighing or measuring device has been so approved or disapproved by him, he shall notify all sealers of weights and measures, who shall thereafter act in accordance with such approval or disapproval when devices of that type are submitted to them for test.

Sec. 30 (a1919). Certain powers of inspectors.—The inspectors shall aid the director in the performance of his duties and shall have all necessary powers therefor.

Sec. 31. Director, etc., to have a seal, etc.—The director and town and district sealers shall keep seals for their use. The seal of the director shall bear the letters " C. M." and those of the sealers shall be of a type approved by the director. Any sealer neglecting to keep such a seal shall forfeit not more than twenty dollars, and whoever, without being duly authorized thereto, impersonates a sealer or deputy by the use of a seal or otherwise, or has in his possession an imitation or counterfeit of the seal used by a sealer or deputy shall be punished by a fine of not more than fifty dollars.

Sec. 32. Director to test local standards, etc.—At least once in three years, the standards of apothecaries' weights and of apothecaries' liquid measures in the custody of town treasurers and at least once

in ten years, or oftener if the director deems it necessary, the other standard weights, measures and balances of each town shall be tested, adjusted and sealed or certified under his direction. He shall also see that such standards are kept in good order and condition, and may at any time, and shall on request of a town treasurer, cause an inspection of the standards to be made. The director and his inspectors may also inspect any weighing or measuring devices used for buying, selling or exchanging goods, wares, merchandise or other commodity, or for public weighing in a town, and, if found inaccurate, shall forthwith inform the mayor or selectmen, who shall cause the law relating thereto to be enforced. If the director or an inspector discovers a violation of law, he may make and prosecute a complaint and shall have therefor the same statutory powers relative to the enforcement of laws pertaining to weights and measures as are vested in local sealers. Whoever hinders, obstructs or in any way interferes with him in the performance of duty hereunder shall be punished by a fine of not more than three hundred dollars, or by imprisonment for not more than two months. Every treasurer neglecting to have the standards in his care sealed as provided in this section shall forfeit not more than fifty dollars.

Sec. 33. Testing of weighing and measuring devices used in State institutions, etc.—The director or his inspectors under his direction, shall at least once in each year test all weighing and measuring devices used in checking the receipt or disbursements of supplies in each State institution or department, and shall mark them in accordance with the results of such tests. He shall report in writing his findings to the executive officers of the institution or department; and at their request shall appoint in writing one or more employees, then in the actual service of such institution or department, as special deputies to check the receipt or disbursement of supplies.

Sec. 34 (a1920). Appointment of sealers and deputy sealers in cities and large towns.—Subject to chapter thirty-one, the mayor of each city and the selectmen of each town of over ten thousand inhabitants shall appoint a sealer, and may appoint one or more deputies to act under the direction of the sealer. The sealer and deputies shall enforce the law pertaining to weighing and measuring devices and to the giving of false or insufficient weight or measure. Sealers and deputies appointed hereunder shall receive a salary to be determined by the board, officer or body authorized to determine salaries in their respective cities and towns, and shall also receive an additional allowance for transportation and other necessary expenses. They shall account for and pay into their city or town treasuries monthly all fees received and shall make an annual report to the appointing board or officer, and to the director as provided by section thirty-seven.

Sec. 35. Sealer to be appointed annually in small towns.—The selectmen of towns of less than ten thousand inhabitants shall annually appoint a sealer and may appoint one or more deputies to act under his direction. Such sealers and deputies shall have the same powers and duties as sealers and deputies appointed under the preceeding section and shall receive such compensation as may be determined by the selectmen and an additional allowance for transportation and other necessary expenses. The selectmen may at any time remove such sealers or deputies and appoint other in their places.

Sec. 36 (a1919). Appointment of district sealers, etc.—Two or more towns, or one city and one or more towns, may combine the whole or any part of their respective territories as may be agreed upon by the boards or officers having the appointing power in such cities or towns into a district with one district sealer and one set of standards. He shall have the powers of and perform the duties of sealers under the direction of the director within the district. Each such sealer shall forthwith on his appointment give bond, with sureties approved by the appointing power, for the faithful performance of his duties, for the safety of the standards, working equipment, records, and other things committed to him, and for their surrender to his successor or to any person duly appointed to receive them. He shall be paid a salary determined by the appointing power and shall be provided by them with necessary standards and working equipment, and shall be allowed necessary sums for transportation and other expenses. Each such sealer shall keep a complete record of all his official acts and shall make an annual report to the director as provided by the following section and to each city or town in his district. He shall account for and pay into the treasury of each city or town monthly all fees received by virtue of his office in such city or town.

Sec. 37 (a1920). Sealers to report to director.—Each sealer shall annually, between the first and tenth days of December, report to the director the weighing and measuring devices tested, sealed or condemned by him, with an inventory of standards and working apparatus in possession of his town or district, and other information required by the director.

Sec. 38 (a1919). Sealer to be provided with duplicate sets of apothecaries' weights, etc.—Sealers shall, upon request to the director, be provided, at the expense of their towns, with duplicate sets of apothecaries' weights and apothecaries' liquid measures described in section three, to be used as standards in the towns where they are kept.

Sec. 39 (a1914). Sealers accountable to towns for standards received.—Except as otherwise provided in section thirty-six each sealer shall receive from his town treasurer a set of standards and a seal, and shall give a receipt therefor, stating their condition when received; and shall be accountable to such town for the preservation thereof in like condition until returned to the treasurer.

Sec. 40 (a1920). Sealer to have duplicate sets of weights.—A sealer or deputy visiting the place of business of a person to test and seal weighing or measuring devices may use therefor suitable weights, measures and balances; and each town and district shall furnish its sealer with one or more duplicate sets of weights, measures and balances, which shall at all times be kept to conform to the standards provided by the commonwealth; and all weighing or measuring devices so sealed shall be deemed legally sealed, as if tested and sealed with the standards.

Sec. 41, as amended by Acts, 1923, ch. 32, p. 15. Annual notice of sealing.—Sealers shall annually give public notice, by advertisement or by posting notices in one or more public places in their towns or districts, to all inhabitants, or persons having usual places of business therein, using weighing or measuring devices for the purpose of buying or selling goods, wares or merchandise, for public weighing or for hire or reward, to bring them in to be tested, ad-

justed and sealed. Such sealers shall attend in one or more convenient places, and shall adjust, seal or condemn such devices in accordance with the results of their tests, and shall make a record thereof.

Sec. 42, as amended by Acts, 1923, ch. 32, p. 15. Sealing at house or store.—After giving said notice, said sealers shall go to the houses, stores, shops and vehicles of persons not complying therewith, and shall test and adjust, seal or condemn in accordance with the results of their tests, the weighing or measuring devices of such persons: *Provided*, That devices for determining the measurement of leather bought, sold or offered for sale shall be tested at least semi-annually. A person who neglects or refuses to exhibit his weighing or measuring devices to a sealer or deputy, or who hinders, obstructs or in any way interferes with a sealer or deputy in the performance of duty, shall be punished by a fine of not more than fifty dollars.

Sec. 43 (a1917). Testing of devices registering price.—A sealer or deputy shall test all weighing or measuring devices having a device for indicating or registering the price as well as the weight or measure of a commodity offered for sale as to the correctness of both weights or measures and values indicated by them.

Sec. 44 (1913). Testing of mechanical devices for measuring leather.—Devices used for determining the measurement of leather bought, sold or offered for sale shall be tested as to the correctness of measures indicated by them by a sealer of the town where they are used, and the director may make such rules and regulations as he deems necessary to insure the greatest possible accuracy in the use of said devices.

Sec. 45 (a1919). Testing of taximeters.—All devices used upon vehicles for determining the cost of transportation shall be tested as to the correctness of measures and values indicated by them, and the director may make rules and regulations to insure accuracy in the use thereof. Any owner or operator of a taxicab or other vehicle who refuses or neglects to comply with any rule or regulation so made by the director shall be punished by a fine of ten dollars.

Sec. 46 (1920). Testing of devices used in standardizing production and in determining wages, capacity of tanks, etc., and the accuracy of automatic devices.—The director may, if he deems it desirable, and shall, upon request, test any weights, measures, instruments or mechanical devices of any kind used or intended to be used in standardizing the production of any manufactured article by controlling processes or by determining the dimensions, proportions or properties of materials or products, in determining wages or compensation for labor performed, in determining the dimensions or capacity of any tank, can or other container, or in determining the accuracy of any automatic weighing or measuring device. When any such weight, measure, instrument or mechanical device has been tested and found correct by the director, he may seal the same. If he finds it inaccurate, he may, in his discretion, either condemn it or he may furnish the owner or user with a certificate indicating the amount and direction of any errors found by him. This section shall not give to the said director or to his inspectors the power to seal any of the devices which, on April twenty-ninth, nineteen hundred and twenty, were required by law to be sealed by the local sealers throughout the Commonwealth.

Sec. 47 (a1919). Annual testing of apothecaries' weights, etc.; exception.—Apothecaries and other persons dealing in or dispensing drugs,

medicines or merchandise sold, dispensed or given away by apothecaries' weights or by apothecaries' liquid measure, shall, at least annually, cause the weights and measures so used to be tested and sealed by the sealer in the town where they do business: *Provided*, That a graduated glass measure once sealed by a sealer, or by the manufacturer, need not be again sealed while remaining in the same condition as when first sealed. The director shall establish specifications for graduated glass measures. When a representative sample of a graduated glass measure has been submitted to the director and approved by him, as conforming to specifications, he shall assign a designating mark or number to be thereafter permanently affixed to such measures of the particular kind so approved. Graduated glass measures sealed by the manufacturer shall be marked with his name, initials or trade mark and by other marks required by the director. The director may revoke the authority so given to any manufacturer under this section on proof that the authorized seal or designating mark has been affixed to a measure not conforming to the approved sample.

Sec. 48 (a1914). Penalty.—Whoever sells or dispenses drugs, medicines or merchandise requiring the use of apothecaries' weights or apothecaries' liquid measures or in the sale of which they are commonly used, and does not have such weights and measures tested under this chapter shall be punished by a fine of not less than five nor more than fifty dollars.

Sec. 49 (a1920). Annual test of hay and coal scales.—Sealers shall go once a year, and oftener if necessary, to each hay and coal scale and other weighing or measuring device in their towns not easily or conveniently removed, and shall test, adjust and seal or condemn them.

Sec. 50 (a1876). Sealer to test upon request, etc.—Whoever uses any weighing or measuring devices may have them tested by the sealer at any time upon request and the sealer shall seal or condemn the same in accordance with the results of his tests.

Sec. 51 (1906). Sealing of glass milk bottles, etc.—When notified by a dealer in milk or cream using glass bottles or jars for the distribution thereof that he has in his possession not less than six gross of such bottles or jars not sealed, sealers shall forthwith seal them as provided in section fifteen, at a suitable place provided by the dealer.

Sec. 52 (a1897). Sealer to test incorrect weights upon complaint.—If a person informs a sealer that he has reasonable cause to believe, or if such sealer has reasonable cause to believe, that any weighing or measuring device used in the sale of a commodity in his town is incorrect, said sealer shall go where it is and shall test and mark it according to the result of the test; and if it is incorrect and can not be adjusted, he shall attach thereto a notice of that fact forbidding its use until it conforms to the authorized standard. If a sealer has reasonable cause to believe that any weighing or measuring device has been altered since last adjusted and sealed, he shall enter the premises where it is kept or used and examine it. Whoever uses a weighing or measuring device after refusing permission to a sealer to test it shall be punished by a fine of not less than ten nor more than one hundred dollars.

Sec. 53 (a1919). Devices to be marked with stencil; notice; penalty.—If a sealer can not seal any weighing or measuring device in the

usual manner, he may mark it with a stencil or by other suitable means, showing that it has been inspected; and if a weighing or measuring device is so small as to render it impracticable to seal it in the usual manner, he shall give a certificate in a form approved by the director, specifying each such weighing or measuring device so tested; but he shall in no case seal or mark as correct weighing or measuring devices not conforming to the standards. If such weighing or measuring device can be readily adjusted by means at hand, he may adjust and seal it; but if not, he shall affix thereto a notice forbidding its use until he is satisfied that it conforms to the standards; and whoever removes said notice without the consent of such officer shall forfeit not more than fifty dollars, to be equally divided between the town and the complainant.

Sec. 54 (a1920). Sealer may seize measuring devices for evidence.—A sealer or deputy may seize without a warrant weighing or measuring devices necessary to be used as evidence in cases of violation of the laws relative to the sealing thereof; and they shall be returned to the owners or forfeited, as the court directs.

Sec. 55 (a1917). Seizure of illegal devices, etc.—A sealer or deputy may seize weighing or measuring devices not conforming to legal standards or not sealed as required by law; and a person having in his possession such weighing or measuring devices, with intent to use them in violation of law, shall be punished by a fine of not more than fifty dollars; and such devices, upon order of a court, shall be destroyed. Possession thereof shall be prima facie evidence of intention to use them in violation of law.

Sec. 56 (a1919). Fees of sealers.—Except as otherwise provided, sealers shall receive the following fees for sealing the following weighing or measuring devices:

(*a*) Each scale with a weighing capacity of more than five thousand pounds, one dollar.

(*b*) Each scale with a weighing capacity of one hundred to five thousand pounds, fifty cents.

(*c*) All other scales, balances, and measures on pumps, ten cents each.

(*d*) All weights and other measures, three cents each.

They shall also receive reasonable compensation for necessary repairs, alterations and adjustments made by them.

(*e*) Each taximeter, or measuring device used upon vehicles for determining the cost of transportation, one dollar.

(*f*) Each machine or other device used for determining the measurement of leather, one dollar.

(*g*) Milk bottles or jars, fifty cents per gross.

Sec. 57. Report of commissioner of labor and industries.—The commissioner of labor and industries shall make an annual report of the acts of the director of standards and of all facts required to be reported to him under section six of chapter ninety-six.

Gen. Laws, 1921, Vol. 1, ch. 31, p. 129.

Sec. 4 (a1920). Positions to be included in civil service; sealers of weights and measures, etc.—The following, among others, shall be included within the classified civil service by rules of the board:

* * *

All sealers and deputy sealers of weights and measures in towns of over ten thousand inhabitants and in cities, whether such officers are heads of principal departments or not, and also the inspectors of standards in the service of the Commonwealth; * * *

Gen. Laws, 1921, Vol. 1, ch. 94, p. 880.

Sec. 1 (a1915). Inspection and sale of food, drugs and various articles.—The following words as used in this chapter, unless the context otherwise requires, shall have the following meanings: * * * "Closed packages," in section one hundred to one hundred and seven, inclusive, one hundred and nine, one hundred and ten, one hundred and twelve and one hundred and thirteen, a barrel, box, or other container, the contents whereof can not be sufficiently inspected without opening it. * * * "Commercial feeding stuff," in sections two hundred and twenty-five to two hundred and thirty-five, inclusive, includes all feeding stuff used for feeding livestock and poultry and containing not more than sixty per cent of water, except whole seeds or grains, and also unmixed meals made directly from the entire grains of corn, wheat, rye, barley, oats, buckwheat, flaxseed, kafir, and milo, whole hays, whole straws, unground cotton seed hulls and unground corn stover when unmixed with other materials. * * * "Food," in sections one hundred and fifty-four to one hundred and fifty-six, inclusive, one hundred and eighty-one, and one hundred and eighty-six to one hundred and ninety-six, inclusive, includes all articles, whether simple, mixed or compound, used for food or drink, confectionery or condiment, by man or animal. * * * "Label," in sections two hundred and twenty-five to two hundred and thirty-five, inclusive, a printed label required by section two hundred and twenty-five, and in sections two hundred and fifty to two hundred and fifty-four, inclusive, and two hundred and fifty-six to two hundred and sixty-one, inclusive, a printed label required by section two hundred and fifty. * * *

Sec. 7, as amended by Acts, 1922, ch. 186, p. 214. Bread; standard loaves; method of sale.—Except as provided in the following section, bread shall not be manufactured for sale, sold, or offered or exposed for sale otherwise than by weight, and shall be manufactured for sale, sold, or offered or exposed for sale only in units of one pound, one and one half pounds, or multiples of one pound. When multiple loaves are baked, each unit of the loaf shall conform to the weight required by this section. The weights herein specified shall mean net weights not more than twelve hours after baking, or not more than twelve hours after the sale and delivery of such loaves by the manufacturer or by his servant or agent. Such weights shall be determined by the average weight of not less than six loaves: *Provided*, That such average weights shall be determined by the weight of at least twelve loaves whenever such number of loaves is available at the time and place of such weighing: *And provided further*, That bread found upon any premises occupied for the manufacture of bread for sale, or any bread found in the wagons, trucks, baskets, boxes, or other delivery vehicles or receptacles owned or controlled by the manufacturer of such bread, and being transported or delivered for sale, shall for the purposes of this section be deemed to have been baked within twelve hours unless such bread is marked,

designated or segregated as stale bread, under regulations prescribed by the director of standards.

Sec. 8, as amended by Acts, 1922, ch. 186, p. 214. Fancy bread, law not applicable, when.—Unit weights, as defined in the preceding section, shall not apply to rolls or to fancy bread weighing less than four ounces, nor to loaves bearing in plain position a plain statement of the weight of the loaf and the name of the manufacturer thereof. Such information shall be stated in case of wrapped bread, upon the wrapper of each loaf, and in the case of unwrapped bread by means of a pan impression or other mechanical means or upon a label not larger than one by one and three quarters inches nor smaller than one by one and one half inches. No label, attached to an unwrapped loaf, shall be larger than provided herein, nor shall any such label be affixed in any manner or with any gum or paste which is unsanitary or unwholesome. When an inspection of bread is made at any bakery by the director or any inspector of standards or sealer of weights and measures, the manufacturer of such bread, or his servants or agents shall, upon request of the official making such inspection, inform him whether such bread is manufactured for sale in any of the standard unit weights prescribed by the preceding section and, if not so manufactured for sale in such standard unit weights, shall furnish such official with samples of the labels or wrappers intended to be used on all such loaves of other than standard unit weights.

Sec. 9, as amended by Acts, 1922, ch. 186, p. 214. Rules and regulations; tolerances; seizure without warrant.—The director of standards shall prescribe such rules and regulations as are necessary to enforce the two preceding sections, including reasonable tolerances or variations within which all weights shall be kept: *Provided*, That such tolerances or variations shall not exceed one ounce per pound under the standard unit or marked weight. The said director, and under his direction the local sealers of weights and measures, shall cause this section to be enforced. They may seize without warrant any bread which they may deem necessary to be used as evidence of violation of law, giving a receipt therefor, and such bread shall be returned to the owner or forfeited as the court may direct. Before any prosecution is begun under this section by any inspector of standards, the parties concerned shall be notified and given an opportunity to be heard before the director. Before any prosecution is begun under this section by any sealer or deputy sealer of weights and measures, the parties concerned shall be notified and given an opportunity to be heard before the sealer and shall have the right of appeal to the director of standards: *Provided*, That such appeal is filed with said director in writing within five days from the finding of the local sealer. When such appeal has been entered no prosecution shall be begun until the charges have been reviewed by said director.

Sec. 10, as amended by Acts, 1922, ch. 186, p. 214. Violation; penalty.—Whoever violates any provision of sections two to nine, inclusive, or of any rule or regulation adopted thereunder, or whoever fails or refuses to comply with any request for information made under authority of said sections, shall be punished by a fine of not more than one hundred dollars.

Sec. 83 (1914). Sale of fresh fish at wholesale regulated; penalty.—All fresh food fish sold at wholesale shall be sold by weight at the time of delivery. Whoever violates this section shall be punished by a fine of not less than twenty-five nor more than one hundred dollars.

Sec. 84 (1837). Quintal weight of fish.—If fish are sold by the quintal, it shall mean a quintal of one hundred pounds avoirdupois, and all contracts relative to fish thus sold shall be so construed.

Sec. 85 (a1919). Clam bait; contents of barrel, etc.—If clam bait is sold by the barrel, "barrel" shall mean a fish barrel of not less than twenty-eight nor more than twenty-nine gallons, and containing twenty-six gallons of clams and not more than three gallons of pickle. If the purchaser and seller disagree as to the quantity in a barrel, either party may have it measured by the director of standards or a sealer of weights and measures. If such barrel does not contain the said number of gallons of clams, the seller shall receive payment for the number of gallons of clams it does contain, but shall pay the expense of measuring and coopering; otherwise the purchaser shall pay such expense.

Sec. 86 (1888). Fish to be weighed on request or demand.—All fish when landed from a vessel or boat shall be weighed by a public weigher [1] of fish or his deputy, when so requested or demanded by the buyer or seller of such fish or by the master, agent or a majority of the crew of such vessel or boat; and said weigher shall issue a certificate of weight to the seller and a duplicate to the buyer.

Sec. 87. Record of weight, etc., to be kept.—Each deputy shall report to such weigher the weight of fish weighed by him, and the weigher shall keep a complete record of such weight with the date of weighing, the name of the vessel from which the fish were taken and the person for whom they were weighed.

Sec. 88. Fees for weighing.—The fees for weighing fish shall be twenty cents per one thousand pounds, but in no case less than one dollar, and shall be paid by the person applying to have the fish weighed. Each deputy shall pay to the weigher two cents per one thousand pounds for all fish weighed by him.

Sec. 96, as amended by Acts, 1922, ch. 355, p. 374. Fruits, nuts and vegetables.—Except as otherwise provided in sections ninety-eight and ninety-nine and in chapter ninety-nine, or except when sold in the original standard container, all fruits, nuts, vegetables and grain shall be sold at retail by avoirdupois weight or numerical count. The words "original standard container," as used in this section shall mean and include only barrels, boxes, baskets, hampers or similar containers, the dimensions or capacity of which is established by law of this Commonwealth or by act of Congress, the contents of which have not been removed or repacked by the retailer, and upon which is plainly and conspicuously marked the net quantity of the contents thereof in terms of weight, measure or numerical count. This section shall not apply to the sale of apples repacked under the provisions of section one hundred and four nor to the sale, by the bunch, of fresh beets, onions, turnips, rhubarb and other similar vegetables usually and customarily sold by the bunch. Whoever violates any of the provisions of this section shall be punished by a fine of not more than ten dollars.

[1] Appointment of public weighers of fish, see ch. 41.

Sec. 98 (a1920). Sale of certain berries regulated; penalty.—Baskets or other receptacles holding one quart or less which are used or intended to be used in the sale of strawberries, blackberries, cherries, currants, blueberries, raspberries or gooseberries shall be of the capacity of one quart, one pint or one half pint, Massachusetts standard dry measure. Said baskets or other receptacles shall not be required to be tested and sealed as provided by chapter ninety-eight, but the sealer or deputy sealer of weights and measures of any town or the director of standards may, if he so desires, and shall, upon complaint, test the capacity of any basket or other receptacle in which any of the aforesaid fruit is sold or intended to be sold; and if the same is found to contain less than the standard measure he shall seize the same and make complaint against the vendor.

Whoever sells or offers for sale a basket or other receptacle holding one quart or less to be used in the sale of any of the aforesaid fruit which does not conform to said standard, and whoever sells or offers for sale any of the aforesaid fruit in any basket or other receptacle holding one quart or less which does not conform to said standard shall be punished by a fine of not less than five nor more than ten dollars.

Sec. 99, as amended by Acts, 1922, ch. 355, p. 374. Sale of certain berries.—Berries, except cranberries, when sold shall, subject to the preceding section, be measured by the strike or level measure.

Sec. 99A (1921). Standard box and half box for farm produce.—The Massachusetts standard box for farm produce sold at wholesale, except as otherwise provided, shall contain two thousand one hundred fifty and forty-two one-hundredths cubic inches and shall be of the following dimensions by inside measurements: Seventeen and one-half inches in length by seventeen and one-half inches in width and seven and one-sixteenth inches in depth. The Massachusetts standard half box for farm produce sold at wholesale shall contain one thousand seventy-five and twenty-one one-hundredths cubic inches and shall be of the following dimensions by inside measurements: Twelve and three-eighths inches in length by twelve and three-eighths inches in width and seven and one-sixteenth inches in depth. When the above specified boxes are made of wood the ends shall be not less than five-eighths inches in thickness and the sides and bottom not less than three-eighths inches in thickness. All such boxes and half boxes of the dimensions specified herein shall be marked on at least one outer side in bold, uncondensed capital letters, not less than one inch in height:—Standard Box Farm Produce,—and,—Standard Half Box Farm Produce,—respectively. Whoever marks or otherwise represents any box or half box to be a standard box or half box for the sale of farm produce at wholesale shall, unless such box or half box complies with every specification and requirement of this section, be punished by a fine of not more than fifty dollars. The director of standards in the department of labor and industries, his inspectors and the sealers and deputy sealers of weights and measures in cities and towns shall enforce the provisions of this section.

Sec. 100 (1915). Standard barrel and box for apples.—The standard barrel for apples shall be of the following dimensions when measured without distension of its parts: Length of stave, twenty-eight and one-half inches; diameter of heads, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of

bulge, sixty-four inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch: *Provided*, That any barrel of a different form having a capacity of seven thousand and fifty-six cubic inches shall be a standard barrel.

The standard box for apples shall be of the following dimensions by inside measurement: Eighteen inches by eleven and one-half inches by ten and one-half inches, without distension of its parts; and shall have a capacity of not less than two thousand one hundred and seventy-three and one-half cubic inches.

Sec. 104, as amended by Acts, 1924, ch. 119, p. 78. Closed packages, how marked.—Each closed package of apples packed or repacked within the Commonwealth and intended for sale within or without the Commonwealth, shall be marked or branded at the time of packing, repacking or closing with a statement of the quantity of the contents, except as hereinafter provided, the name and address of the person by whose authority the apples were packed, * * *

Sec. 105, as amended by Acts, 1924, ch. 119, p. 78. Branding and marking of barrels.—The branding or marking of barrels under sections one hundred and one to one hundred and seven, inclusive, and one hundred and twelve shall be in block letters and figures of a size not less than thirty-six point gothic. The commissioner of agriculture shall prescribe rules and regulations as to the lettering to be used in branding or marking other packages.

Sec. 115 (a1911). Standard barrel and crate for cranberries.—The legal and standard barrel for cranberries shall measure not less than twenty-five and one-fourth inches between the heads, inside; the length of the staves shall be twenty-eight and one-half inches; the diameter of the head shall be not less than sixteen and one-fourth inches, including the bevelled edge; the outside bulge circumference shall measure not less than fifty-eight and one-half inches; the thickness of the staves shall be not greater than four-tenths of an inch. The legal and standard crate for cranberries shall measure seven and one-half inches, by twelve inches, by twenty-two inches, inside, exclusive of any interior partition or support, and shall have an interior capacity of one thousand nine hundred and eighty cubic inches; but any square or oblong crate or box of different form, but of as great interior capacity, shall be considered a legal and standard crate.

Sec. 116. Provisions as to barrels and crates; penalty.—Each barrel, crate, one-half crate or one-quarter crate used for the sale or delivery of cranberries shall be of the standard measure prescribed in this or the preceding section, and shall be marked as therein required. No person shall use any barrel, crate, one-half crate or one-quarter crate for such sale or delivery, the capacity of which is less than that of the corresponding standard package prescribed in the preceding section. Sealers of weights and measures shall enforce this and the preceding section. Whoever violates any provision of this or the preceding section shall be punished by a fine of not more than one hundred dollars.

It shall be lawful to use for the sale and delivery of cranberries, square or oblong packages which contain one-half crate or one-quarter crate, provided that such packages have an interior capacity, exclusive of any partition or support, of nine hundred and

ninety and of four hundred and ninety-five cubic inches, respectively. No barrel, crate, one-half crate or one-quarter crate, intended to be used for the sale or delivery of cranberries, except of the standard measure specified in this section, and plainly marked with the words "Massachusetts Standard Measure," shall be manufactured or sold. No person shall so mark any barrel or other package so used, or intended to be used, unless its interior capacity is as great as the capacity herein specified for such package.

Nothing in this or the preceding section shall prohibit the use of third, half and three-quarter barrels, as provided by United States law.

Sec. 117. Sale of cranberries in packages.—It shall be lawful to use for the sale and delivery of cranberries packages containing one, two or four pounds of cranberries, net weight: *Provided*, That said net weight is plainly stamped on the top or side of each package.

Sec. 140 (1815). Weighers of beef; appointment.—In each town where beef cattle are sold for the purpose of marketing or barreling, the mayor or selectmen shall appoint one or more persons, conveniently situated in such town and not dealers in cattle, as weighers of beef. Each such weigher shall be sworn to the faithful performance of his duties.

Sec. 141. Fees.—Fees for weighing cattle shall be paid by the vendor and shall be twenty cents for each of the first five cattle, fifteen cents for each of the second five, ten cents each from the eleventh to the twentieth, inclusive, and five cents for each above twenty; also twelve and one-half cents for each certificate, which shall contain the weight of each of the cattle weighed for one person unless the vendor requests a division thereof.

Sec. 157 (a1920). Sale of ice at retail regulated; penalty.—Whoever, being engaged in the business of selling ice at retail, and not engaged in the delivery of the same under a contract, refuses to sell from any place or vehicle engaged in the regular distribution of ice at retail a piece of ice at the fair value thereof to any person other than an ice dealer, shall, if such person tenders in payment therefor the amount of five cents or any multiple thereof not more than fifty cents in legal money of the United State, be punished by a fine of not more than one hundred dollars.

Sec. 158. Ice dealers to have scales and to weigh ice; penalty.—A dealer in ice who refuses or neglects to provide scales for each vehicle used by him for the delivery of ice or who, upon request of a purchaser of ice, refuses or neglects to weigh the same when delivered, shall be punished by a fine of not more than fifty dollars.

Sec. 159 (1920). Penalty for refusal to weigh ice.—Whoever, having charge of the delivery of ice from a vehicle, but not being a dealer in ice, refuses upon the request of a purchaser of ice to weigh the same when it is delivered, shall be punished by a fine of not more than ten dollars.

Sec. 172 (a1914). Definition of barrel and hogshead.—The barrel shall contain thirty-one and one-half gallons and the hogshead two barrels: *Provided*, That in barrels and fractional parts thereof containing malt beverages a variation or tolerance of six per cent shall be permitted.

Sec. 174 (1880). Cental.—A cental or hundredweight shall be one hundred pounds.

Sec. 175 (a1911). Barrel of flour.—A barrel of flour, measured by weight, shall contain one hundred and ninety-six pounds.

Sec. 176 (a1917). Sales by weight; definition of "weight"; penalty.—"Weight" in a sale of commodities by weight shall mean the net weight of all commodities so sold; and contracts concerning such sales shall be so construed: *Provided*, That in respect to commodities not intended for food or fuel reasonable tolerances or variations shall be permitted in accordance with established trade customs. Violation hereof shall be punished by a fine of not more than one hundred dollars.

Sec. 177, as amended by Acts, 1923, ch. 155, p. 147. Penalty for giving false weight or measure.—Except as otherwise provided by section two hundred and forty-eight, whoever, himself or by his servant or agent gives or attempts to give false or insufficient weight or measure shall be punished for the first offence by a fine of not more than fifty dollars, for the second offence by a fine of not more than two hundred dollars, and for a subsequent offence by a fine of fifty dollars and by imprisonment for not less than one nor more than three months.

Sec. 178 (1826). Rules for weighing; who are public weighers.—Each public weigher of goods or commodities shall weigh them according to section one hundred and seventy-six, and shall certify accordingly; and for each refusal or neglect he shall forfeit not more than ten dollars. Each weigher of goods appointed by a town, and each weigher for hire or reward, shall be a public weigher hereunder.

Sec. 179 (1863). Weighers of boilers, etc.—The mayor of a city or the selectment of a town where boilers and heavy machinery are sold shall appoint, and may remove, one or more persons, not engaged in the manufacture or sale thereof, to be weighers of boilers and heavy machinery, who shall be sworn. The appointing officer or board may fix their fees, which shall be paid by the seller.

Sec. 180 (1914). Certain courts to have jurisdiction over prosecutions concerning false weights and measures.—Complaints and prosecutions for violations of law relating to the use or giving of false or insufficient weight or measure may be commenced and prosecuted in a court having jurisdiction of the place to which the goods are shipped.

Sec. 181 (a1919). Net quantity contained in food packages to be marked thereon.—Subject to the variations, tolerances and exemptions provided for by the following section, no person shall himself or by his agent or servant sell or offer for sale food in package form unless the net quantity of the contents is plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count. This section shall not apply to retail sales of food made from bulk if the quantity is weighed, measured or counted at the time of such sale by the retailer, nor to the sale of milk, cream or buttermilk in glass jars, as provided by section fifteen of chapter ninety-eight.

The director of standards shall enforce this and the three following sections.

Sec. 182. Tolerances and exemptions.—The director of standards shall adopt the variations, tolerances and exemptions established, or hereafter established by rules and regulations provided for by section three of the act of Congress [2] mentioned in section one hundred and

[2] 34 Stat., ch. 3915, p. 768, and amendments thereof.

ninety-two, with such further reasonable variations, tolerances and exemptions not covered by the rules and regulations of said section as he deems expedient.

Sec. 183 (1914). Penalty.—Whoever violates any provision of section one hundred and eighty-one shall for the first offence be punished by a fine of not less than ten nor more than fifty dollars, and for a subsequent offence by a fine of not less than twenty-five nor more than one hundred dollars.

Sec. 184 (a1919). Hearing before prosecution of guarantor.—Prosecutions under the preceding section shall not be commenced until the party concerned is notified and given an opportunity to be heard before the director of standards. No dealer shall be prosecuted thereunder if he establishes a guaranty, signed by the wholesaler, jobber, manufacturer, dealer or other person residing in the United States, from whom he purchased such articles, that they are correctly marked or labelled under section one hundred and eighty-one, designating it, and containing the name and address of such vendor, but in that case such guarantor shall be liable to prosecution and to the penalties provided by section one hundred and eighty-three. If section one hundred and eighty-one has been violated and the guarantor is without the Commonwealth, no action shall be brought but the director of standards shall report the facts to the proper national authorities.

Sec. 219, as amended by Acts, 1922, ch. 355, p. 374. Weighers to be appointed.—Mayors and selectmen shall annually appoint one or more weighers of grain, who shall be sworn to the faithful performance of their duty; and if only one is appointed by them, they may authorize him to appoint deputy weighers.

Sec. 221, as amended by Acts, 1922, ch. 355, p. 374. Fees of weighers.—The fees of weighers of grain and their deputies, if any are authorized, shall be prescribed by the aldermen or selectmen of the several towns where they are appointed. One half of such fee shall be paid by the seller and one half by the purchaser.

Sec. 222, as amended by Acts, 1922, ch. 355, p. 374. Certificate of sale by cental or hundredweight.—If any wheat, corn, rye, oats, barley, buckwheat, cracked corn, ground corn or corn meal, ground rye or rye meal, or feed, or any other meal, is sold by the cental or hundredweight, the weigher or his deputy, on request of either party to the contract, shall ascertain the weight thereof and shall give a certificate of the number of centals or hundredweight of the same; and whoever sells and delivers a quantity of either of said articles exceeding one cental or hundredweight, if it has not been weighed by such weigher or his deputy, shall forfeit to the purchaser ten dollars for each lot purporting to be a cental or hundredweight which contains less than one hundred pounds.

Sec. 224, as amended by Acts, 1922, ch. 355, p. 374. Penalty for false weights or collusion.—If a weigher or deputy weigher uses, or has in his possession with intent to use, for the purposes provided in sections two hundred and nineteen to two hundred and twenty-two, inclusive, any false weight, scale, balance or other instrument for weighing, or colludes with the purchaser or seller with intent to defraud the other party, or makes and utters a false and fraudulent certificate under sections two hundred and nineteen to two hundred

and twenty-two, inclusive, he may be removed from office by the aldermen or selectmen, and shall also on conviction thereof be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months.

Sec. 225 (a1912). Tag or label affixed to commercial feeding stuff; form and contents.—Each package, lot or parcel of commercial feeding stuff sold or offered, exposed or kept for sale or distributed shall have affixed thereto in a conspicuous place, as provided in the following section, a tag or label containing a legible and plainly printed statement in the English language clearly and truly certifying:

(*a*) The weight of the contents of the package, lot or parcel;

(*b*) The name, brand or trade mark;

(*c*) The name and principal address of the manufacturer or person responsible for placing the commodity on the market; * * *

Sec. 236 (1824). Weighers of hay.—If a town or the city council of a city accepts this section or has accepted corresponding provisions of earlier laws, the mayor or selectmen may from time to time appoint, for a term not exceeding one year, and may at any time remove, weighers of hay, who shall be sworn to the faithful performance of their duty and who shall have the superintendence of the hay scales belonging to such city or town, and shall weigh hay offered for sale therein and any other article offered to be weighed. Cities and towns may establish ordinances and by-laws for the regulation of hay scales and of the compensation of weighers of hay. Whoever, not having been so appointed, sets up hay scales in a city or town for the purpose of weighing hay or other articles offered to be weighed shall forfeit to the use of such city or town twenty dollars a month, so long as such scales are maintained.

Sec. 237 (1862). Sale of timothy, etc., seed, regulated; penalty.—Except as otherwise provided in chapter ninety-nine, all contracts for the sale and delivery of timothy or herdsgrass seed shall be made by avoirdupois weight. Whoever violates this section shall be punished by a fine of not more than twenty dollars.

Sec. 238 (a1920). Weighers of coal.—The mayor or selectmen shall annually appoint, and may remove, weighers of coal, one of whom at least shall not be engaged in the business of selling coal, who shall be sworn to the faithful performance of their duty, and by whom all coal shall be weighed. No person shall be ineligible for appointment in a town because of the fact that he is not a resident thereof, notwithstanding any provisions to the contrary in any city charter. Women shall be eligible for appointment as weighers of coal.

Sec. 239 (a1830). Inspection, etc., of coal; ordinances and by-laws.—Towns may establish ordinances and by-laws, with suitable penalties, for the inspection, survey, measurement and sale of coal brought therein for sale, and may also provide for the appointment of the proper officers therefor and may establish their fees.

Sec. 240, as amended by Acts, 1923, ch. 196, p. 170. Coal and coke sold by weight, when.—Coal shall be sold by weight, and, except when sold by cargo, two thousand pounds avoirdupois shall be the standard for the ton. Coke and charcoal in any quantities shall be sold only by weight or measure.

Sec. 241, as amended by Acts, 1923, ch. 196, p. 170. Sale of coal, coke and charcoal in bags and baskets.—Coal in quantities of one hundred

pounds or less shall be sold by weight, and coke and charcoal in quantities of one hundred pounds or less shall be sold by weight or measure, in bags, sacks or baskets, and until delivered shall be kept in the same bags, sacks or baskets in which they were weighed or measured; and coal, coke and charcoal thus sold shall be exempt from section two hundred and forty-four. When sold by weight, such bags, sacks or baskets shall be plainly marked with the name of the person who puts up the same and with the weight of the coal, coke or charcoal therein in letters and numerals, respectively, of bold uncondensed type at least one inch in height. Paper bags or sacks used in the sale of coal shall contain and shall be sold as containing twenty-five pounds, avoirdupois weight.

Sec. 242 (a1919). Baskets, etc., used in selling coke, etc., regulated.—Baskets or similar receptacles used in selling coke, charcoal or unpacked kindling wood by measure shall be of one bushel or multiple thereof, Massachusetts standard dry measure, shall have their capacity plainly marked thereon, shall be sealed by a sealer of weights and measures of the town or district where the vendor resides or conducts his business, and shall be filled at least level full when well shaken.

Sec. 243 (a1921). Paper bags, etc., used in sale of coke, etc., regulated.—Paper bags or sacks used or intended to be used in the sale of coke, charcoal or kindling wood by measure shall be not less than twenty-five inches in height, not less than thirteen and one-half inches in width, and the bottoms shall not be less than four and three-quarters inches wide. They shall be filled to a point not more than six inches from the upper end. Bags of unpacked kindling wood or of coke or charcoal sold or offered for sale by measure shall contain, and shall be sold as containing, one-half bushel, Massachusetts standard dry measure. Bags and sacks shall be plainly marked with the name and business address of the person putting up the same, and the words " one half bushel " in bold, uncondensed, capital letters at least one inch in height. Whoever himself or by his servant or agent or as the servant or agent of another sells or offers for sale a paper bag or sack to be used in the sale of coke, charcoal or kindling wood by measure which does not conform in every particular to the requirements of this section shall be punished by a fine of not more than one hundred dollars.

Sec. 244 (a1910). Certificate of weight, etc.—Whoever, except as provided in section two hundred and forty-one, sells coke, charcoal or coal by weight shall without cost to the purchaser cause the goods to be weighed by a sworn weigher of the town where they are weighed, and shall cause to be signed by the weigher a certificate stating the name and place of business of the seller, and either the identifying number, of which a permanent record shall be kept, or the name of the person taking charge of the goods after the weighing as given to the weigher on his request, the tare weight, and the quantity of the goods. Such certificate shall be given to said person and shall be given by him only to the owner of the goods or his agent when he unloads the same; and each such person, on request and without charge therefor, shall permit any sealer of weights and measures of any town to examine the certificate and to make a copy thereof.

Sec. 245. Sealer may direct goods to be weighed.—A sealer of weights and measures of a town where any quantity of coke, charcoal or coal for delivery is found may direct the person in charge of the goods to convey the same without delay or charge to scales designated by such sealer, who shall there determine the quantity of the goods, and, if they are not in baskets or bags as required by section two hundred and forty-one, shall determine their weight together with the tare weight, and shall direct said person to return to such scales immediately after unloading the goods; and upon such return, the sealer shall determine the tare weight. The scales designated by the sealer as aforesaid may be the public scales of the town or any other scales therein which have been duly tested and sealed, and shall be such scales as in his judgment are most convenient.

Sec. 246 (1901). Record to be kept of weights and measures.—Each sealer of weights and measures of a town and each sworn weigher shall keep in a book used by him solely for that purpose a record of all baskets sealed by him as aforesaid, and of all weighings and determinations of quantities of coke, charcoal or coal made by him as aforesaid. Such record shall be made at the time of measuring or weighing, and shall state the day and hour of the measuring or weighing, the name and place of business of the vendor, the name of the owner of the baskets or of the purchaser of the goods as given to him on his request by the person taking charge of the baskets or goods after weighing or measuring, the capacity of the baskets measured or quantity of goods determined, and the name of said person; and, in the case of a reweighing as provided in the preceding section, shall state the weight as given in the certificate and as determined by him. No charge shall be made by any such sealer for anything done under this and the two preceding sections.

Sec. 247 (a1919). Edgings and kindling wood, sale of.—Edgings or kindling wood shall not be sold in bundles unless the same are closely packed and are not less than twenty-seven inches in circumference. Kindling wood may be sold in bulk by the load; but if unpacked shall not be sold unless by measure and, if exceeding six inches in length, shall not be sold in bags or sacks.

Sec. 248, as amended by Acts, 1923, ch. 155, p. 147. Penalties; enforcement of law.—Whoever violates any provision of sections two hundred and forty to two hundred and forty-seven, inclusive, except as otherwise provided therein, or fails to comply with any request for information or direction made under authority of sections two hundred and forty, two hundred and forty-one, two hundred and forty-four to two hundred and forty-six, inclusive, or gives a false answer to any such request, shall be punished by a fine of not more than fifty dollars; and whoever is guilty of fraud or deceit as to the weighing, selling or delivering of coke, charcoal or coal, or whoever, by himself, or by his servant, agent or employee, sells or delivers coal which is short in weight or measure or which contains an unreasonable amount of shale, slate, rock or other foreign substance, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. The director of standards and local sealers of weights and measures shall cause sections two hundred and forty to two hundred and forty-nine, inclusive, to be enforced.

Sec. 249 (a1920). Penalty for having illegal coal, etc., measures.—A vendor of coal, coke, charcoal or kindling wood, who has in his possession a basket, bag, sack or other measure which does not conform in every particular to the requirements respecting such measure, with intent to use or permit it to be used in measuring coal, coke, charcoal or kindling wood sold or offered for sale, shall be punished by a fine of not more than twenty dollars, and such basket, bag, sack or measure shall be destroyed.

Sec. 249A, as enacted by Acts, 1923, ch. 155, p. 147. Inspection of coal.—The department of public health, local boards of health, the director of standards and local sealers of weights and measures, by themselves or by their authorized agents, may enter each place where coal is stored or kept for sale and each railroad train or car or any vehicle used for its conveyance and may inspect said coal or take therefrom samples for analysis or inspection. Said department or board shall cause each sample taken to be analyzed, inspected or otherwise satisfactorily tested and shall record and preserve as evidence the results thereof. If, in the opinion of said department or board, upon inspection, analysis or other satisfactory test, said coal is unfit for ordinary use, said department, or said board with the approval of said department, may condemn, seize and cause the same to be destroyed forthwith or disposed of otherwise than for ordinary use. All money received by said department or board for coal disposed of as aforesaid, after deducting the expenses of said seizure and disposal, shall be paid to the owner of such coal.

Sec. 249B, as enacted by Acts, 1923, ch. 155, p. 147. Hindering or obstructing an official; penalty.—Any person who hinders, obstructs or interferes with the department of public health, local boards of health, the director of standards, local sealers of weights and measures, or their authorized agents, in the performance of their duty under the preceding section, shall be punished by a fine of not less than one hundred nor more than one thousand dollars or by imprisonment for not less than one month nor more than one year, or both.

Sec. 249C, as enacted by Acts, 1923, ch. 155, p. 147. Offering condemned coal for sale; penalty.—Whoever, by himself, or by his servant, agent or employee, sells, exposes or offers for sale, or has in his custody or possession with intent to sell, coal condemned under the provisions of section two hundred and forty-nine A shall be punished by a fine of not less than one hundred nor more than one thousand dollars or by imprisonment for not less than one month nor more than one year, or both.

Sec. 249D, as enacted by Acts, 1923, ch. 155, p. 147. Offering unfit coal for sale; penalty.—Whoever, by himself, or by his servant, agent or employee, sells, exposes or offers for sale, or has in his custody or possession with intent to sell, coal unfit for ordinary use shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

Sec. 249E, as enacted by Acts, 1923, ch. 155, p. 147. Selling coal with unreasonable amount of foreign matter; penalty.—Whoever, by himself, or by his servant, agent or employee, in placing or packing coal in any basket, bag, sack or other receptacle, places or causes to be placed therein any foreign substance, or sells, or exposes or offers for sale, or has in his custody or possession with intent to sell, coal placed or packed in a basket, bag, sack or other receptacle containing an un-

reasonable amount of any foreign substance shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

Sec. 249F, as enacted by Acts, 1923, ch. 155, p. 147. Enforcement.—The department of public health, local boards of health, the director of standards and local sealers of weights and measures shall cause the five preceding sections to be enforced.

Sec. 250 (a1911). Commercial fertilizers, weight to be marked on label.—No commercial fertilizer shall be sold or offered or exposed for sale without a plainly printed label accompanying it, displayed in the manner hereinafter set forth, and truly stating the following particulars:

1. The number of pounds of the fertilizer sold or offered or exposed for sale.

2. The name, brand or trade mark under which the fertilizer is sold, * * *

3. The name and principal address of the manufacturer, importer or other person putting the fertilizer on the market in the Commonwealth. * * *

Sec. 265 (a1920). Quality of lime and casks.—No stone lime manufactured within the Commonwealth shall be sold or exposed for sale, or shipped on board a vessel in casks, unless it is well burnt and pure, in good and sufficient new casks containing either one hundred and eighty or two hundred and eighty pounds each, made of well seasoned heads and staves, with ten good and sufficient hoops on each cask, well driven and sufficiently secured with nails or pins.

Sec. 266 (1809). Penalty for sale, etc., of certain lime.—Whoever sells, exposes for sale, ships or receives on board a vessel in casks, any lime manufactured in the Commonwealth, other than such as is contained in casks made according to the preceding section and marked or branded as provided in section two hundred and sixty-three, shall be punished by a fine of one dollar and fifty cents for each cask sold, exposed for sale, shipped or received on board a vessel; but sections two hundred and sixty-two to two hundred and sixty-eight, inclusive, shall not restrain any person from retailing lime by the bushel or other quantity, when not in casks.

Sec. 269 (a1862). Survey of marble, etc.—The aldermen of a city or selectmen of a town may establish regulations, with suitable penalties, relative to the appointment of a surveyor and the survey and measurement of marble, soapstone and freestone of every description, foreign or domestic, which is imported or brought into such city or town for sale.

Sec. 278 (a1892). Nails and brads, how to be made and packed.—Wrought, cut or wire nails and brads of all sizes manufactured in the Commonwealth shall be well made, packed free from waste pieces of iron unless they are refuse nails or brads, and free from any fraudulent mixture increasing the weight, in strong and sufficient casks of seasoned timber, well hooped, containing not more than three hundred pounds each.

Sec. 279. Casks, how to be branded.—Each cask of wrought, cut or wire nails or brads shall be marked or branded on the head by the manufacturer, in plain, legible letters in the English language, with his name and the net weight of the contents of the cask.

Sec. 280. Penalty for selling, etc., casks, etc., of nails, etc., not branded.—If a cask, package or quantity of wrought, cut or wire nails or brads, manufactured in the Commonwealth or elsewhere and not branded or marked as provided in the preceding section, is offered or exposed for sale within the Commonwealth or put on board a vessel or vehicle, unless to be carried out of the Commonwealth, it shall be forfeited.

Sec. 281. Penalty for counterfeiting a brand, etc.—Whoever counterfeits a brand used or intended to be used for the purpose of marking a cask of nails or brads, or destroys or alters a mark or impression made by another's brand on a cask of wrought, cut or wire nails or brads, and causes a different impression by such counterfeit brand to be marked or impressed thereon, or shifts any such nails or brads from one branded cask to another and thereby avails himself of another's brand, shall forfeit twenty dollars.

Sec. 282. Disposition of forfeitures.—All forfeitures recovered under the two preceding sections shall be divided equally between the informer and the Commonwealth.

Sec. 283 (1920). Slot machines and other automatic devices, use of, regulated.—No person shall maintain any slot machine or other automatic device, except gas meters, electric meters and telephones, which, upon the deposit therein of any coin or other article of value, furnishes music or other entertainment, exhibits pictures, provides facilities for weighing, supplies any merchandise or other thing, or renders any service, or is represented to do or perform any of the above-mentioned things, unless such machine or device is of a type approved by the director of standards; but no person maintaining such machine or device with respect to which, or to the operation, service or supplies of which, there is any element of chance shall be protected or be entitled to immunity from prosecution because of such approval.

Sec. 284. Penalty.—Whoever installs or maintains a machine or device mentioned in the preceding section which is of a type not approved as therein provided shall, if such machine or device fails properly to respond to the insertion or deposit therein of a coin or other article of value, be punished by a fine of not more than twenty-five dollars.

Sec. 285 (a1880). Sewing thread to be labelled.—Each manufacturer of cotton, linen or silk sewing thread, and each person engaged in putting up such thread on spools, or in packages of four ounces weight or less not wound on spools, shall, before the same is offered for sale, affix to or impress upon each spool of such thread, and upon each package of such thread not wound on spools, a label or stamp plainly and conspicuously designating the quantity of thread which such spool or package contains, either by giving the length in yards or by giving the weight.

Sec. 286 (a1878). Penalty for neglect to affix label.—Each person referred to in the preceding section who neglects to affix a correct label to or to impress a correct stamp upon each spool and package of thread, or who affixes to or impresses upon, or causes or suffers to be affixed to or impressed upon any spool or package of thread intended for sale, a label or stamp specifying that such spool or package contains a greater number of yards or a greater quantity

of thread by five per cent than such spool or package does contain, shall forfeit five dollars for each spool or package so without a label or stamp or so falsely labelled or stamped which is sold or delivered to any person to be sold; one half to the use of the Commonwealth and one half to the use of the person who sues therefor.

Sec. 287 (a1880). Penalty for selling thread falsely labelled.—A merchant, jobber or trader who sells or offers for sale cotton, linen or silk sewing thread, put up either on spools, or in packages of the weight of four ounces or less not wound on spools, which is not labelled or stamped, or which is falsely labelled or stamped as regards length or quantity by an amount greater than five per cent of the true length or quantity, shall be liable to the penalty provided in the preceding section.

Sec. 288 (1878). Certain bobbins exempted.—The three preceding sections shall not apply to ready wound bobbins of thread adapted for use in sewing machine shuttles.

Sec. 296 (a1796). Measurers of wood and bark.—A town and the city council of a city shall annually choose one or more measurers of wood and bark, who shall be sworn to the faithful performance of their duties and shall hold office during the year and until others are chosen and qualified in their stead. A town, by vote fixing the number to be chosen, may delegate the appointment of such measurers to the selectmen.

Sec. 297 (a1920). Measurers may act in adjoining town.—Such measurers may, in the manner prescribed for measurers of lumber in section eight of chapter ninety-six, be licensed to act in a town adjoining that for which they are elected or appointed.

Sec. 298 (a1921). Cord wood, dimensions of.—Cord wood exposed for sale shall be four feet in length, including half the kerf. The term "firewood" shall be construed to mean and include wood cut to any lengths of less than four feet. The standard unit of measure for cord wood or firewood shall be the "cord" of one hundred and twenty-eight cubic feet consisting of or equivalent to a pile, closely stacked, eight feet in length, four feet in width and four feet in height.

Sec. 299 (a1921). Penalty for selling wood, etc., not measured.—Whoever, except as otherwise provided, sells cord wood or firewood, shall cause a certificate or memorandum to be issued and delivered to the purchaser or his agent at the time of delivery of the wood, or as soon thereafter as practicable. Such certificate or memorandum shall include the names and addresses of the seller and of the purchaser, and a statement of the quantity of wood delivered, in terms of cords or of cubic feet. Whoever violates any provision of this or the preceding section shall be punished by a fine of not more than fifty dollars.

Sec. 300 (a1796). Fees of measurers.—Measurers of wood and bark shall be entitled to such fees for their services as the aldermen or selectmen shall establish; and the fees shall in each case be paid to the measurer by the driver and shall be repaid by the purchaser.

Sec. 301 (a1830). Measurement of water-borne wood.—Cord wood brought by water into a town for sale, and landed, shall be measured by a public measurer; and for that purpose the wood shall be corded and piled by itself in ranges, making up in height what is wanting

in length, and, being so measured, a ticket shall be given to the purchaser, who shall pay the stated fees for such service. Towns may establish ordinances and by-laws, with suitable penalties, for the inspection, survey, measurement and sale of wood and bark for fuel brought therein for sale, and may also provide for the appointment of inspectors, surveyors and other officers and establish their fees.

Sec. 302 (1799). Tickets showing quantity in load; certain sections not to apply.—Each wharfinger, carter or driver who conveys firewood or bark from a wharf or landing place shall be furnished by the owner or seller with a ticket certifying the quantity which the load contains and the name of the driver; and if firewood or bark is thus conveyed without such ticket accompanying the same, or if a driver refuses to produce and show such ticket to any sworn measurer on demand, or to give his consent to have the same measured, or if such ticket certifies a greater quantity of wood or bark than the load contains in the opinion of such measurer after measuring the same, the driver and owner shall for each load thereof severally forfeit five dollars. Sections two hundred and ninety-six to three hundred and three, inclusive, shall not apply to a person who transports or carts or causes to be transported or carted from a wharf or landing place to his own dwelling house or store cord wood or bark which he has purchased on a wharf or landing place, or which he has landed thereon upon his own account.

Sec. 303 (a1891). Inspection and sale of bark, slabs, etc.—The city council of a city may establish ordinances, with suitable penalties not exceeding five dollars for any one violation thereof, for the regulation of the sale of prepared wood, slabs and edgings for fuel, when sold by the load, and for the inspection, survey, measurement and sale of bark for fuel or manufacturing purposes brought into said city for sale, whether the same is exposed for sale in ranges or upon a vehicle; and said city may provide for the appointment of such surveyors, inspectors and other officers as may be necessary to carry into effect said ordinances and may establish their fees.

Sec. 305 (1919). Penalty for fraud in packing certain commodities.—Whoever, with intent to defraud or injure, in baling or in packing in any container any commodity sold by weight, including wool, leather, cotton, waste, rags and paper, places therein any substance foreign to the contents thereof shall be punished for the first offence by a fine of not more than one hundred dollars, for the second offence by a fine of not more than two hundred dollars, and for a subsequent offence by a fine of fifty dollars and imprisonment for not less than one nor more than three months.

Gen. Laws, 1921, Vol. 1, ch. 96, p. 955.

Sec. 7 (a1920). Measurers of lumber in cities and towns.—Towns may annually elect one or more measurers of lumber, who shall be sworn to the faithful performance of their duties, and cities may by ordinance provide for the annual appointment of such measurers.

Sec. 8. Measurers may be licensed to act in adjoining towns.—A measurer of lumber in any town may apply to the selectmen of an adjoining town for a license to measure lumber therein, and if the selectmen are of the opinion that it will be for the public convenience they may, upon payment of a fee not exceeding one dollar, grant such license, and may limit the territory in which such license may

be exercised. Such a license shall remain in force while the licensee holds the office of measurer in the town for which he was chosen, but not later than the next annual town meeting of said town.

Sec. 9, as amended by Acts, 1924, ch. 258, p. 241. Penalty for fraud in surveying.—A measurer of lumber for any city or town who is guilty of or connives at a fraud or deceit in measuring, marking or numbering the contents of any kind of wood or lumber, or who, when lawfully requested, refuses without good reason to measure lumber, shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Sec. 10, as amended by Acts, 1924, ch. 258, p. 241. Penalty for fraud of purchaser or seller.—A seller or purchaser of lumber who induces or attempts to induce a measurer to make a false measurement shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Sec. 11, as amended by Acts, 1924, ch. 258, p. 241. Penalty for misrepresentation of authority.—Whoever without authority represents himself to be an official measurer of lumber of any city or town shall be punished by a fine or not less than fifty nor more than two hundred dollars.

Gen. Laws, 1921, Vol. 1, ch. 41, p. 309.

Sec. 85 (1918). Weighers, measurers and surveyors of commodities; appointment, qualification and term of office.—The mayor or the selectmen, on the written request of any person engaged in buying, selling or transporting goods or commodities which require weighing, surveying or measuring, shall appoint weighers, measurers or surveyors of such goods or commodities, who shall be sworn before entering upon their duties, shall serve for one year, and may be removed at any time by the appointing authority. At least one such weigher, measurer and surveyor in each town shall not be engaged in the business of buying, selling or transporting the goods or commodities weighed, measured or surveyed by him, but no person shall be ineligible for appointment because of sex or because of residence elsewhere than in the town where appointed, notwithstanding any provisions to the contrary in any general or special act.

Sec. 86 (a1919). Duties and obligations.—All persons appointed under the preceding section shall keep accurate records, in the form prescribed by the director of standards, of all weighings, measurements or surveys made by them, which shall at all reasonable times be open to inspection by said director and his inspectors and by the local sealer of weights and measures. If any person so appointed shall wilfully misrepresent the weight, quantity or measurements of any goods weighed, measured or surveyed by him, he shall be punished by a fine of not more than one hundred dollars.

Sec. 87 (1918). Not to affect weighers of particular commodities.—The two preceding sections shall not affect the provisions of law for the appointment of weighers, measurers or surveyors of particular commodities.

Sec. 88 (1888). Weighers of fish.—The mayor of each city, and the selectmen of each town, where salt-water fish are landed from vessels, shall annually appoint a public weigher of fish, to hold office for one year from the time of his appointment and until his successor is appointed, who shall be sworn to the faithful performance of his

official duties and shall give bond, with sureties, in the sum of five thousand dollars.

Sec. 89. Deputy weighers.—A public weigher of fish may appoint, subject to the approval of the mayor or the chairman of the selectmen, deputy weighers, for whose official conduct he shall be answerable, who shall be sworn, and from each of whom such weigher shall require a bond, with sureties, in the sum of one thousand dollars. The weigher and his deputies shall not be interested directly or indirectly in the buying or selling of fish.

Sec. 90. Penalty for violating oath of office.—A weigher or any of his deputies who violates his oath of office shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, and shall forfeit his office.

Gen. Laws, 1921, Vol. 2, ch. 142, p. 1454.

Sec. 17 (1916). Marking, sale, etc., of range boilers.—No range boiler shall be sold or offered for sale unless its capacity is plainly marked thereon in terms of Massachusetts standard liquid measure, and with the maker's business name, in such manner as to be easily identified.

Sec. 19 (a1917). Penalty; inspectors of plumbing shall enforce.—Whoever sells or offers or exposes for sale any range boiler not marked or stamped as provided in the two preceding sections, or which is falsely marked as having a capacity which is greater by seven and one-half per cent than its true capacity, or who marks or causes the same to be marked with such false capacity, shall be punished by a fine not exceeding fifty dollars. The inspectors of plumbing within their respective cities and towns shall cause this and the two preceding sections to be enforced.

Sec. 20 (1916). Certain range boilers exempt.—This act shall not apply to the sale or offering for sale of installed range boilers or to the sale or offering for sale of range boilers as junk.

Gen. Laws, 1921, Vol. 1, ch. 95, p. 954.

Sec. 1 (a1919). Measurers of leather, appointment, etc.—The mayor of a city or the selectmen of a town, upon the request of two or more voters thereof, shall annually appoint one or more measurers of leather who have been certified by the director of standards as fit persons for such appointment, and who shall be sworn to the faithful performance of their duty. The director of standards may at any time, for cause, revoke such certificate of fitness, and such revocation shall immediately render such appointment void.

Sec. 2 (a1913). Measurers may act in any city or town.—A measurer of leather for one town may measure leather in any other town.

Sec. 3. Duties of measurer.—Each measurer, upon request, shall go to any place within the town for which he is appointed and there ascertain the area of each skin or side or other portion of leather submitted to him. For this purpose, he shall use only such racks, measures or mechanical devices as have been legally tested and sealed, and shall mark or cause each skin or side or other portion of leather to be marked with indelible figures giving the measurement thereof in square feet, including fractions as small as one-quarter of a foot. After the area of any skin or side or other portion of leather has been determined as aforesaid, it shall be permissible to add one-quar-

ter of a foot to such measurement for any remaining fraction greater than one-eighth of a foot; but no such remaining fraction of less than one-eighth of a foot shall be added or included in such measurement.

Sec. 4. Penalty for selling leather not measured, etc.—Whoever sells or offers leather for sale by measure shall cause the same to be measured by a sworn measurer unless such leather has previously been measured by a sworn measurer of a town in the Commonwealth, or by some person lawfully appointed therefor in any other State, or unless the measurement thereof has been expressly waived in writing by the buyer and seller thereof. Whoever violates this section shall be punished by a fine of not less than ten nor more than fifty dollars.

Sec. 5. Penalty for altering or counterfeiting measurers' marks.—Whoever counterfeits or causes to be counterfeited, or, not being a sworn measurer, alters or defaces with intent to deceive, a measurer's marks on a skin or side or other portion of leather shall be punished by a fine of twenty-five dollars.

Gen. Laws, 1921, Vol. 1, ch. 97, p. 957.

Sec. 3 (1871). Annual test of surveyors' apparatus; penalty.—All apparatus for linear measurements used by a land surveyor shall be annually tested and proved by the sealer of weights and measures in the town where such surveyor resides or has his office, and all chains, tapes or other apparatus used for linear measurements which can not be made to conform to the standard shall be marked "condemned," or "CD," by said sealer, and any surveyor who thereafter uses for measuring land any such apparatus shall be punished by a fine of twenty dollars.

Sec. 4. Appointment of person other than sealer to make test.—The mayor and aldermen of a city or the selectmen of a town may appoint a suitable person, other than the sealer of weights and measures, to test, prove and mark the measuring apparatus of land surveyors.

Sec. 5. Tests to be based on State standards.—The standards used for such tests shall be based upon and shall correspond to the standards furnished by the Commonwealth to sealers of weights and measures.

Sec. 6. Fees for testing.—The fees for such testing and proof of each article of apparatus shall be twenty-five cents, and shall be paid by the person presenting the apparatus for test.

Gen. Laws, 1921, Vol. 2, ch. 253, p. 2629.

Sec. 63 (a1795). Millers to keep scales, etc.—A miller occupying and using a grist mill who neglects to provide himself with scales and weights or a vibrating steelyard to weigh corn, grain and meal to and from the mill, when required, or who refuses so to weigh corn, grain or meal when required, shall for each offence forfeit to any person who sues therefor not more than five dollars.

Gen. Laws, 1921, Vol. 1, ch. 101, p. 975.

Sec. 1, as amended by Acts, 1923, ch. 102, p. 53. Transient vendor defined.—"Transient vendor" for the purposes of this chapter shall mean and include any person, either principal or agent, who engages in a temporary or transient business in the Commonwealth, either

in one locality or in traveling from place to place selling goods, wares or merchandise.

"Temporary or transient business" for the purposes of this chapter shall mean and include any exhibition and sale of goods, wares or merchandise which is carried on in any tent, booth, building or other structure, unless such place is open for business during usual business hours for a period of at least nine months in each year.

Sec. 2, as amended by Acts, 1923, ch. 102, p. 53. Limit of application of chapter.—The provisions of this chapter relative to transient vendors shall not apply to sales by commercial travelers or by selling agents to dealers in the usual course of business, or to bona fide sales at wholesale of goods, wares or merchandise by sample for future delivery, or to sales of goods, wares or merchandise by any person, whether principal or agent, who engages in temporary or transient business in any town in which taxes have been assessed upon his stock in trade during the current year, or to hawkers and peddlers as defined in section thirteen, nor shall they affect the right of any town to pass ordinances or by-laws authorized by law relative to transient vendors. No transient vendor shall be relieved or exempted from the provisions and requirements of this chapter relative to transient vendors by reason of associating himself temporarily with any local dealer, trader or merchant, or by conducting such temporary or transient business in connection with or as a part of the business of, or in the name of any local dealer, trader or merchant.

Sec. 3 (a1920). State license, deposit and fee.—Every person intending to become a transient vendor, whether as principal or agent, shall, before commencing business in the Commonwealth, make written application, under oath, for a State license to the director of standards, in this chapter called the director, stating the names and residences of the owners or parties in whose interest said business is to be conducted, and shall make a special deposit of five hundred dollars with the director or shall give a bond in the sum of five hundred dollars, payable to the director and his successors, with sureties approved by the director, conditioned upon (1) compliance with the provisions of this chapter relative to transient vendors, (2) payment of all fines or penalties incurred by him through violations of such provisions, and (3) payment or satisfaction of any judgment obtained against him in behalf of any creditor whose claim arises in connection with the business done under the licensee's State license and who, before the expiration of sixty days from the return or surrender of said license or the filing of an affidavit of its loss, shall have given due notice of his claim to the director. Thereupon, upon the payment of a fee of twenty-five dollars, the director shall issue to him a State license authorizing him to do business as a transient vendor. Such license shall expire one year from the date thereof or on the day of its surrender or of the filing of an affidavit of its loss, if it is earlier surrendered or if such affidavit is earlier filed. Such license shall contain a copy of the application therefor and of any statements required under section seven, and shall not be transferable. It shall not authorize more than one person to sell goods, wares or merchandise as a transient vendor either by agent or clerk or in any

other way than in his own proper person, but a licensee may have the assistance of one or more persons in conducting his business who may aid him but not act for or without him.

Sec. 4 (a1919). Application for license to be filed.—The director shall keep on file all applications for such licenses and a record of all licenses issued thereon. All files and records of the director and of the respective town clerks shall be in convenient form and open to public inspection.

Sec. 5 (a1920). Local license and fee.—Every transient vendor, before making any sales of goods, wares or merchandise in a town, shall make application to the aldermen or selectmen or other board authorized to issue such licenses and, unless the fee therefor is fixed as hereinafter provided, shall file with them a true statement, under oath, of the average quantity and value of the stock of goods, wares and merchandise kept or intended to be kept or exposed by him for sale. Said board shall submit such statement to the assessors of the town, who after such examination and inquiry as they deem necessary, shall determine such average quantity and value, and shall forthwith transmit a certificate thereof to said board. Thereupon the board shall authorize the town clerk, upon the payment by the applicant of a fee equal to the taxes assessable in said town under the last preceding tax levy therein upon an amount of property of the same valuation, to issue to him a license authorizing the sale of such goods, wares and merchandise within the town. The board may, however, authorize the issue of such license without the filing of said statement as aforesaid, upon the payment of a license fee fixed by it. Upon payment of such fee, said town clerk shall thereupon issue such license, which shall remain in force so long as the licensee shall continuously keep and expose for sale in such town such stock of goods, wares or merchandise, but not later than the first day of April following its date. Upon such payment and proof of payment of all other license fees, if any, chargeable upon local sales, such town clerk shall record the State license of such transient vendor in full, shall endorse thereon "local license fees paid" and shall affix thereto his official signature and the date of such endorsement.

Sec. 6. Penalty for neglect to file statement.—Any transient vendor who neglects or refuses to file the statement described in the preceding section, if required by the aldermen, selectmen or other like board, or makes a false or fraudulent representation therein, shall be punished by a fine of not less than five nor more than twenty dollars for each day on which he keeps or exposes for sale any goods, wares or merchandise.

Sec. 7. Bankrupt sales, etc., regulated.—No transient vendor shall advertise, represent or hold forth any sale as an insurance, bankrupt, insolvent, assignee's, trustee's, executor's, administrator's, receiver's, wholesale, manufacturers' wholesale or closing-out sale, or as a sale of any goods damaged by smoke, fire, water or otherwise or in any similar form, without first making a sworn statement to the director, either in the original application for a State license or in a supplementary application, of all the facts relating to the reasons for and character of such special sale so advertised or represented, and of the names of the persons from whom the goods, wares or merchandise were obtained, the date of delivery to the person applying for

or holding the license, the place from which said goods, wares or merchandise were last taken, and all details necessary to exactly locate and fully identify all such goods, wares or merchandise.

Sec. 8. Selling without license, etc., prohibited.—No transient vendor shall sell or expose for sale, at public or private sale, any goods, wares or merchandise without State and local licenses therefor, properly endorsed, nor shall any person, either principal or agent, advertise by circular, hand-bill, newspaper or in any other manner any such unlicensed sales. No transient vendor shall file any application, original or supplementary, containing any false statement.

Sec. 9 (a1902). Penalty.—Violations of section seven or eight shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than two months, or both.

Sec. 10 (1890). Action for recovery of local license fee.—If a person liable for the license fee required by section five refuses or neglects to pay the same after demand by the clerk of the town in which he intends to sell goods, wares and merchandise, the clerk may maintain an action of contract therefor in his own name for the benefit of such town.

Sec. 11 (a1920). Return, surrender of license and filing certificate of its loss.—Upon the expiration and return, or surrender before expiration, of each State license, the director shall cancel the same, endorse the date of return or surrender thereon, and place the same on file. If a license is lost he may accept in lieu of the return or surrender thereof an affidavit to that effect, which shall be so endorsed and filed. He shall hold the special deposit of the licensee for sixty days after the return or surrender of the license or the filing of such affidavit and, after satisfying or making provision in accordance with the following section for all claims made upon the same under said section, shall return the surplus, if any, to said licensee; or, if said licensee has given a bond in lieu of said deposit, the director shall, after said sixty days and after all claims made under the following section have been satisfied or settled, cancel said bond and notify said licensee and the surety on said bond.

Sec. 12 (a1919). Special deposit and bond attachable, when.—Each deposit made with the director shall, during the term of the licensee's license and for sixty days after the return or surrender thereof or the filing of an affidavit of its loss, be subject to attachment and execution in behalf of any creditor of the licensee whose claim arises in connection with the business done under his State license and who gives notice of such claim to the director during such period, and the director may be held to answer as trustee, under the trustee process, in any civil action in contract or tort brought against said licensee for such claim and shall pay over upon execution such amount of money as he may be chargeable with upon his answer. Said deposit shall also be subject to the payment of any fine or penalty imposed on the licensee for violation of any provision of the eleven preceding sections; provided, that written notice of the name of said licensee and of the amount of such fine or penalty is given during such period to the director by the clerk of the court in which, or the trial justice by whom, such fine or penalty was imposed. No payment of any part of said deposit shall be made to the licensee unless so much thereof is retained as is required to discharge all claims, fines and

penalties of which notices have been given to the director as herein provided and which remain undecided or unpaid. Upon the giving of notice as herein provided, a bond given in lieu of such deposit may be put in suit by any such creditor to recover the amount of such claim or by any such clerk of court or trial justice to recover the amount of such fine or penalty. If the licensee has made a deposit, the director shall, until said deposit is exhausted, pay or make provision for the payment of all such claims, fines and penalties in the order in which notices thereof were received by him. If the licensee has given a bond, the order in which persons entitled to all such claims, fines and penalties shall recover on the bond shall, until the penal sum of the bond is exhausted, be determined by the order in which notices thereof were received by the director.

Sec. 13 (a1920). Definition of "hawker" and "peddler."—Except as hereinafter expressly provided, the terms "hawker" and "peddler" as used in this chapter shall mean and include any person, either principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefor, any goods, wares or merchandise, either on foot, on or from any animal or vehicle.

Sec. 14. Hawker or peddler prohibited from selling, etc.—A hawker or peddler who sells or barters or carries for sale or barter or exposes therefor any goods, wares or merchandise, except as permitted by this chapter, shall forfeit not more than two hundred dollars, to be equally divided between the Commonwealth and the town in which the offence was committed.

Sec. 15. Limit of application.—The provisions of this chapter relating to hawkers and peddlers shall not apply to wholesalers or jobbers having a permanent place of business in the Commonwealth and selling to dealers only, nor to commercial agents or other persons selling by sample, lists, catalogues or otherwise for future delivery, nor to any person who peddles only fish obtained by his own labor or that of his family, fruits, vegetables or other farm products raised or produced by himself or his family, nor to persons selling articles for charitable purposes under section thirty-three.

Sec. 16 (a1916). Selling of certain articles prohibited.—The sale by hawkers or peddlers of jewelry, furs, wines, spirituous liquors and playing cards is prohibited.

Sec. 17, as amended by Acts, 1923, ch. 285, p. 259. Selling of certain articles permitted without a license, etc.—Hawkers and peddlers may sell without a license books, newspapers, pamphlets, fuel except coal and coke, provisions, yeast, ice, live animals, brooms, agricultural implements, hand tools used in making boots and shoes, gas or electric fixtures and appliances, flowering plants and all flowers, fruits, nuts and berries that are uncultivated. The aldermen or selectmen may by regulations, not inconsistent with this chapter, regulate the sale or barter, and the carrying for sale or barter or exposing therefor, by hawkers and peddlers, of said articles without the payment of any fee; may in like manner require hawkers and peddlers of fish, fruit and vegetables to be licensed except as otherwise provided, and may make regulations governing the same, provided that the license fee does not exceed that prescribed by section twenty-two for a license embracing the same territorial

limits; and may in like manner affix penalties for violations of such regulations not to exceed the sum of twenty dollars for each such violation. A hawker and peddler of fish, fruit and vegetables licensed under this section need not be licensed under section twenty-two.

Sec. 18 (a1920). Prohibition of sale without license.—Articles other than those the sale of which is licensed, or permitted without a license, under the preceding section, and not prohibited by section sixteen, shall not be sold by hawkers or peddlers unless duly licensed as hereinafter provided.

Sec. 19. Regulation of trade of bootblack and sales by minors.—The aldermen or selectmen may make regulations consistent with the general laws relative to the exercise of the trade of bootblacking by minors, and to the sale or barter by minors of any goods, wares or merchandise the sale of which is permitted without a license by section seventeen, and may prohibit such trade or such sales, or may require a minor to obtain from them a permit therefor to be issued on terms and conditions prescribed in such regulations: *Provided*, That in the case of girls under the age of eighteen years and of boys under the age of sixteen years the foregoing powers in cities shall be vested in and exercised by the school committee. No permit issued to a minor under this section nor badge issued to him under sections sixty-nine to seventy-three, inclusive, of chapter one hundred and forty-nine shall authorize the sale by a minor of any article, other than those enumerated in section seventeen. A minor who sells such article or exercises such trade without a permit, if one is required, or who violates the conditions of his permit or any provision of said regulations, shall be punished by a fine of not more than ten dollars.

Sec. 20. No person to permit or aid minor in violating certain provisions.—No person, having a minor under his control, shall knowingly permit him to violate any provision of section nineteen, nor shall any person procure or employ a minor to commit any such violation, nor shall any person, either for himself or as agent of any other person, furnish or sell to a minor any article the sale of which is permitted without a license by section seventeen, with knowledge that he intends to sell it in violation of section nineteen, or after having received written notice to that effect from the school committee or any officer charged with the enforcement of said section nineteen. Violation of this section shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months.

Sec. 21. No person to permit or aid minor in violating certain other provisions.—Whoever employs a minor in, or, having the care or custody of a minor, permits him to engage in, hawking or peddling without a permit or license, if one is required, or, for himself or as agent of any other person, furnishes or sells to a minor any article with knowledge that he intends to sell such article in violation of the provisions of this chapter relative to hawkers and peddlers, shall be punished by a fine of not more than two hundred dollars, to be equally divided between the Commonwealth and the town in which the offense was committed, or by imprisonment for not more than six months.

Sec. 22. Hawkers' and peddlers' licenses.—The director may grant a license to go about carrying for sale or barter, exposing therefor and selling or bartering any goods, wares or merchandise, the sale of which is not prohibited by section sixteen, to any person who files in his office a certificate signed by the mayor or by a majority of the selectmen, stating that to the best of his or their knowledge and belief the applicant therein named is of good repute as to morals and integrity, and is, or has declared his intention to become, a citizen of the United States. The mayor or selectmen, before granting such certificate, shall require the applicant to make oath that he is the person named therein, and that he is, or has declared his intention to become, a citizen of the United States. The oath shall be certified by an officer duly qualified to administer oaths and shall accompany the certificate. The director shall cause to be inserted in every such license the amount of the license fee and the name of the town for which it is issued. The licensee may go about carrying for sale or barter, exposing therefor and selling or bartering in any town mentioned in his license any fish, fruits, vegetables or other goods, wares or merchandise, not prohibited in section sixteen, upon payment to the director of the following fees: For each town containing not more than one thousand inhabitants, according to the then latest census, State or national, four dollars; for each town containing more than one thousand and not more than two thousand inhabitants, seven dollars; for each town containing more than two thousand and not more than three thousand inhabitants, nine dollars; for each town containing more than three thousand and not more than four thousand inhabitants, eleven dollars; and for each city and each other town, eleven dollars, and one dollar for every one thousand inhabitants thereof over four thousand; but the fee shall in no case exceed twenty-six dollars, and the amount paid shall be certified on the face of the license. The director shall retain one dollar for every city and town named in each of the above described licenses, and shall pay over to the respective cities and towns at least semiannually the balance of said fees so received. The director may grant, as aforesaid, special State licenses upon payment by the applicant of fifty dollars for each license; and the licensee may go about carrying for sale or barter, exposing therefor and selling or bartering in any city or town in the Commonwealth any fish, fruits, vegetables, or other goods, wares or merchandise, the sale of which is not prohibited by statute.

Sec. 23. County licenses.—The director may also grant as aforesaid special county licenses for each county mentioned therein; and the licensee may go about carrying for sale or barter, exposing therefor and selling or bartering within such county any goods, wares or merchandise manufactured by himself or by his employer and not prohibited by section sixteen, upon paying to the director the amounts following: For Suffolk, Essex, Middlesex and Worcester, each, five dollars; for Norfolk, Plymouth, Bristol, Berkshire and Hampden, each, four dollars; for Franklin, Hampshire and Barnstable, each, three dollars; and for Dukes County and Nantucket, each, two dollars. The license shall describe the manufactured articles to be sold or bartered under it and shall not authorize the sale or barter of any other article by the licensee. The director shall retain one dollar for every

county named in each of the above described licenses, and shall pay over to the treasurers of the respective counties at least semi-annually the balance of said fees so received.

Sec. 24 (1919). License to veterans without fees.—The director may grant without fee, on proof of identity, a special State or county license to act as hawker or peddler, subject otherwise to this chapter, to any soldier or sailor resident in the Commonwealth who served in the Army or Navy of the United States during the World War and received an honorable discharge or a release therefrom, and who is wholly or partly disabled by reason of wounds or injury received, or disease contracted, during such service.

Sec. 25 (a1919). Transfer of licenses.—A license granted under section twenty-two may be transferred by the director, upon application therefor and upon evidence furnished by the applicant like that required for granting a license. The transferee shall thereafter be liable in all respects as if he were the original licensee, and no person shall thereafter sell under such license except the person named in such transfer.

Sec. 26 (a1920). Records, etc., of licenses to hawkers and peddlers.—The director shall keep a record of all licenses to hawkers and peddlers granted by him, with the number of each, the name and residence of the licensee, and the counties, cities and towns, if any, mentioned therein, and of all transfers of licenses; and all such records shall be open to public inspection. The provisions of this chapter relating to hawkers and peddlers, or a synopsis thereof, shall be printed on every such license. All such licenses shall bear the date of their issue and shall continue in force for one year from that date.

Sec. 27 (a1919). Endorsing license, production thereof and use of badges, etc.—Every person licensed as a hawker or peddler shall endorse his usual signature upon his license. He shall produce his license for inspection whenever demanded by a mayor, alderman, selectman, director or inspector of standards, sealer of weights and measures, city or town treasurer or clerk, constable, police officer or justice of the peace; and if he fails so to do, he shall be subject to the same penalty as if he had no license. The director shall, at the expense of the licensee, provide a badge for each foot peddler and plates or tags for each pack, parcel or vehicle used in hawking or peddling. Such badges, plates or tags shall bear the number of the license, the word "peddler," and such other information as the director may deem necessary. Each foot peddler shall wear his badge in a conspicuous place. Each wagon or other vehicle shall bear the name of the licensee plainly inscribed or painted on the body of the vehicle, and shall also have attached to the front or side of the vehicle, in a place where it may readily and plainly be seen, the plate or tag provided by the director with the license number attached thereto.

Sec. 28 (a1916). Effect of licenses on prosecution.—No license issued to a hawker or peddler shall defeat or bar a prosecution against the licensee, if it is proved that he sold or bartered, carried for sale or barter or exposed therefor, any articles, except such as are permitted without a license by section seventeen, in a place in which he was not licensed to sell.

Sec. 29 (1852). Peddlers, etc., licensed as auctioneers.—No hawker or peddler, holding an auctioneer's license, shall sell or expose for sale by public auction any goods, wares or merchandise in any town other

than that from whose authorities such license was obtained, nor in any place in such town not expressly described therein.

Sec. 30, as amended by Acts, 1923, ch. 154, p. 147. Revocation of licenses.—Any license granted by the director to a hawker or peddler may be revoked by him upon conviction of the licensee of any crime which in the judgment of the director warrants such revocation, or upon the submission to the director of evidence satisfactory to him that the licensee has, during the term of the license, accepted or solicited money otherwise than through the bona fide sale or barter of goods, wares or merchandise or has in any manner during said term begged or solicited alms from the public. Whenever any person is convicted of a violation of any provision of this chapter, relative to hawkers and peddlers, or a person holding such a license is convicted of any crime, the clerk of the court in which, or the trial justice by whom, such person was convicted shall notify the director.

Sec. 31 (a1920). Counterfeiting licenses, etc.—Whoever counterfeits or forges a license, or has a counterfeited or forged license in his possession with intent to utter or use the same as true, knowing it to be false or counterfeit, or attempts to sell under a license which has expired or has been revoked or cancelled, or which has not been issued or transferred to him, or has in his possession another's license with intent to use the same, shall be punished by a fine of not more than one thousand dollars.

Sec. 32 (a1919). Prosecutors.—The director and inspectors of standards and, within their respective towns, sealers or deputy sealers of weights and measures, constables and police officers shall arrest and prosecute every hawker and peddler, and transient vendor, whom they may have reason to believe guilty of violating any provision of this chapter.

Sec. 33 (1916). Temporary licenses to sell articles for charitable purposes.—The overseers of the poor in any city or the selectmen in any town may, under such conditions as they may deem proper, grant to any organization engaged exclusively in charitable work a special license authorizing it, upon a particular day and for a charitable purpose named in such license, to sell, through its accredited agents in the streets and other public places within such city or town, or in any designated part thereof, flags, badges, medals, buttons, flowers, souvenirs and similar small articles: *Provided*, That no person under sixteen years of age shall be accredited as such agent, that each agent shall wear in plain sight while engaged in selling such articles a badge, provided by such organization and approved by the authority issuing the license, bearing upon it the name of such organization and the date on which the license is to be exercised, and that no such agent shall be authorized to make or attempt to make such sales in front of any private premises against the objection of the owner or occupant thereof. The exercise of the licenses hereby provided for shall be subject to the provisions of all statutes, ordinances, by-laws, rules and regulations not inconsistent herewith.

Gen. Laws, 1921, Vol. 1, ch. 99, p. 971.

Sec. 1 (a1919). Metric system authorized.—The weights and measures of the metric system may be employed and used in the Commonwealth, and no contract or dealing shall be deemed invalid and no pleading in any court shall be open to objection because the weights

or measures are stated therein in terms of the metric system: *Provided*, That the carat weight of two hundred milligrams, and its multiples and subdivisions, shall be the sole legal standard for the buying and selling of diamonds and other precious stones. The metric weights and measures received from the United States and now in the custody of the director of standards may be used as authorized standards, and shall in no case be removed from his custody except when necessary for their preservation or repair.

Sec. 2 (1887). Tables of measurements.—The following tables shall be recognized in the construction of contracts and in legal proceedings as establishing in terms of the metric system the equivalents of the other weights and measures expressed therein and may also be used for computing, determining and expressing in customary weights and measures the weights and measures of the metric system.[3]

* * * * * * *

Sec. 3 (a1919). Duties of director of standards and town treasurers.—The duties of the director of standards and the duties and responsibilities of the treasurer of each town, with respect to the keeping, care, verification and use of the standard weights and measures of the metric system, shall be the same as those established by law with respect to other standard weights and measures.

Sec. 4. Sealing of metric weights and measures.—The director of standards may verify, adjust and seal all metric weights and measures brought to him for that purpose. The sealer of weights and measures in each town which has received the standard metric weights and measures shall verify, adjust and seal all metric weights and measures brought to him for that purpose from within the county in which such town is situated, and he shall receive a reasonable compensation therefor; but he shall claim no fees for any sealing, verification or adjustment for the performance of which he may otherwise receive compensation by salary paid by the town.

Sec. 5 (1877). Duties of persons using metric system.—Every person who uses weights or measures of the metric system for the purpose of selling any goods, wares, merchandise or other commodities shall have them adjusted, sealed and recorded by an authorized sealer of weights and measures, and shall thereafter be responsible for the correctness and exactness of the same; and every person who illegally or fraudulently uses the metric weights or measures shall be liable to the same penalty to which he would have been liable if he had used other weights and measures.

Gen. Laws, 1921, Vol. 1, ch. 94, p. 880.

Sec. 25 (a1920). Regulating the use of utensils for testing milk and cream.—No bottle, pipette or other measuring glass or utensil shall be used by any inspector of milk, or by any person in any milk inspection laboratory, in determining, by the Babcock or other centrifugal machine, the composition of milk or cream for the purposes of inspection, or by any person in any place in determining, by the Babcock or other centrifugal machine, the composition or value of milk or cream as a basis for payment in buying or selling, until such measuring glass or utensil has been tested for accuracy and

[3] Here follow the conversion tables as adopted by Congress. See United States Laws, p. 8.

verified by the director, or by his duly designated deputy. Each such bottle, pipette or other measuring glass or utensil shall be submitted to the said director by the owner or user thereof, to be tested for accuracy, before the same is used for such purposes. As a fee for making the test, the owner or user shall pay to the said director a sum not exceeding five cents for each bottle, pipette, or other measuring glass or utensil tested. Each measuring glass or utensil so tested and verified or found inaccurate shall be marked accordingly by the director or by his said deputy. No such measuring glass or utensil so marked inaccurate shall be used in determining the composition or value of milk or cream.

Sec. 26 (a1912). Inspection by the director of the Massachusetts Experiment Station; certificates for inspection to be issued by the director.—Each Babcock or other centrifugal machine used by an inspector of milk or by a person in a milk inspection laboratory for determining the composition of milk or cream for purposes of inspection, or by a person in any place, for determining the composition or value of milk or cream as a basis for payment in buying or selling, shall be inspected at least once in each year by the director or by his inspector or deputy. The owner or user of any such centrifugal machine shall pay to the director as a fee for making each such annual inspection the actual cost thereof.

Each Babcock or other centrifugal machine used as aforesaid which, in the opinion of the director, his inspector or deputy is not in condition to give accurate results, may be condemned by him. No Babcock or other centrifugal machine so condemned shall be used for determining the composition or value of milk or cream as aforesaid, unless such machine is corrected to the satisfaction of the director, his inspector or deputy, and approved by him.

Gen. Laws, 1921, Vol. 1, ch. 25, p. 96.

Sec. 13 (a1916). Inspectors, appointment, duties, etc.—The commission [4] shall appoint an inspector and one or more assistant inspectors of gas and gas meters for such terms of office as it may deem proper. Such inspectors shall be sworn to the faithful performance of their official duties and they and the deputy inspectors provided for in the following section shall not be pecuniarily interested, directly or indirectly, in the manufacture or sale of gas, or gas meters, or of any other article or commodity used by gas companies or used for any purpose connected with the consumption of gas or with gas companies, and they shall not give certificates or written opinions to makers or vendors of any such articles or commodities.

Gen. Laws, 1921, Vol. 2, ch. 164, p. 1804.

Sec. 103 (a1914). Powers and duties of inspectors.—The inspector and assistant inspectors of gas and gas meters appointed under section thirteen of chapter twenty-five, subject to rules and regulations prescribed by the department, shall make the inspections of gas required by section one hundred and nine [5] and inspect, examine, ascertain and prove the accuracy of all meters which are to be used for measuring illuminating gas and which are to be furnished to, or for the use of,

[4] The department of public utilities is under the supervision and control of a commission of five members.

[5] Sec. 109 relates to standard of purity.

any consumer or company, and shall seal, stamp or mark every such meter, if it be found correct, with some suitable device to be determined by the department and recorded in the office of the State secretary. A meter shall not be stamped correct if it varies more than two per cent from the standard. The department shall keep a correct record of all meters examined by said inspectors with their proof at the time of examination, which shall be open at all times for examination by the officers of any gas company in the Commonwealth. The inspectors shall also perform such other duties and make such reports of their doings as the department may require.

Sec. 104 (a1920). Fees for testing gas meters.—For examining, comparing and testing gas meters, with or without stamping them, the department may collect a fee of twenty-five cents for each meter delivering not more than a cubic foot of gas in four revolutions, vibrations or complete repetitions of its action, and for each meter so delivering more than a cubic foot, a fee of thirty cents, with twenty cents added for every additional cubic foot so delivered. For examining, comparing, testing or calibrating meter provers and test of photometer meters, with or without sealing or certifying to the same, the department may collect such fees as it may from time to time prescribe. The department shall designate one of its employees to receive all fees collected under this section and section one hundred and twenty, and he shall give bond to the State treasurer in the sum of five thousand dollars.

Sec. 108 (1916). Companies to provide calorimeter.—Every gas company or municipal lighting plant which distributes and sells to its consumers over fifteen million cubic feet of gas in a year shall, when required by the department, provide and maintain a suitable room not less than a quarter of a mile from the gas works with a calorimeter of a type and construction approved by the department, which shall be open at all reasonable times to the inspector and assistant inspectors of gas.

Sec. 111 (a1918). Unit of measure for sale of gas.—The unit of measure for the sale of gas by meter shall be the cubic foot, containing sixty-two and two thousand nine hundred and ninety-three ten thousandths pounds avoirdupois weight of air-free distilled water at sixty degrees Fahrenheit when weighed in dry air at the same temperature and at a barometric pressure of thirty inches of mercury.

Sec. 112 (a1914). Companies, etc., to provide meter provers.—Every gas company with a capital paid in of one hundred thousand dollars or more, and every other gas company, if required by the department, and all makers and vendors of meters shall set up at some convenient place upon their premises one or more meter provers of a size and type approved, tested and calibrated by the department, by means of which meters may be tested.

Sec. 113. Penalty for using meters not tested.—A gas company providing a meter for measuring gas supplied to a customer which, if never before used, has not been duly sealed and stamped, or, if opened after being sealed and stamped, has not been again tested, sealed and stamped, shall be punished by a fine of five dollars for every such meter in use, payable to the city or town where the meter is situated.

Sec. 114. Testing gas meters in use.—Meters in use shall be tested by the inspector or by one of his assistants or by a deputy, on the request of the consumer or of the gas company, in the presence of the consumer if desired, and with sealed apparatus. If he finds that the meter is correct, the person requesting the inspection shall pay the fees for such inspection and the expense of removing the meter for the purpose of being tested, and the reinspection shall be stamped on the meter. If he finds that the meter is incorrect, the gas company shall pay such expenses and shall furnish a new meter without charge to the consumer.

Sec. 115. Gas meters to register plainly.—Meters for measuring gas supplied to consumers shall register the quantity of gas passing through them in cubic feet so that the number of cubic feet of gas consumed may be easily ascertained by the consumer thereof. No meter shall be used which may confuse or deceive the consumer in ascertaining the price he pays per thousand cubic feet or the number of cubic feet consumed.

Sec. 117. Customer to be given meter reading.—When a gas or electric meter in a building owned or used by a customer of a gas or electric company is read by an employee or agent of such company, he shall, upon request, deliver to the person using the gas or electricity measured by the meter a written statement of the amount recorded by the meter at that time.

Sec. 118. Electric meters to register plainly.—Meters for measuring electricity for lighting purposes supplied to consumers shall register the quantity of electricity passing through them in kilowatt hours, so that the number of kilowatt hours consumed may easily be ascertained by the consumer.

Sec. 120. Testing electric meters in use.—A customer of a corporation subject to this chapter, or such corporation, may apply to the department for an examination and test of any electric meter, demand indicator, so called, and any other device or appliance installed by such corporation upon a customer's premises and used by such corporation to determine the charge to the customer for its service. The department shall forthwith cause such examination and test as in its judgment is practicable and reasonable to be made by a competent and disinterested person, and shall furnish to the corporation and to the customer a certificate of the result and expense thereof. If, upon such examination and test, it appears that the appliance does not register correctly, the department may order the corporation to correct or remove such meter, demand indicator or other device or appliance and to substitute a correct meter, demand indicator or other device or appliance therefor. All fees for examinations and tests shall in the first instance be paid by the person or corporation making application therefor; but if the examination or test is made at the request of a customer, and the meter is found to be incorrect because too fast, the corporation shall pay such fees to the department, to be repaid by it to the applicant. A meter shall be deemed correct for the purposes of this section if it appears from such examination or test that it does not vary more than five per cent from the standard approved by the department. This section shall not authorize or prohibit differential prices for electricity supplied by any such company.

Sec. 121. Inspection of electric meters, expense and registration thereof.—The person designated to make such examination and test may at any reasonable time enter upon the premises where the meter to be inspected is placed for the purpose of making the inspection. He shall receive such compensation for his services as the department may determine, together with his necessary travelling and other expenses, which shall be audited by the department and paid by the Commonwealth; but the total amount of compensation and expenses shall not exceed three thousand dollars in any year; and if the total amount of such compensation and expenses shall in any year exceed the amount of the fees received for such examinations and tests, the excess shall be assessed and recovered from the electric companies in the manner now provided for the assessment and recovery of the other expenses of the department. The department may establish such rules and regulations, fix such standards, prescribe such fees, and employ such means and methods in, and in connection with, such examinations and tests of electric meters as it deems most practicable, expedient and economical. The department may purchase such materials, apparatus, and standard measuring instruments for such examinations and tests as it deems necessary.

Sec. 122. Penalty for use of incorrect electric meter, etc.—Whoever, being engaged in the sale of electricity, maintains upon the premises of a customer for the purpose of determining the charge to be made for electricity supplied to him a meter, demand indicator or other mechanical device or appliance which is found upon examination and test, as provided in section one hundred and twenty, to register incorrectly as against such customer, shall refund to him such an amount as, if not agreed upon, shall, upon application of the customer and after opportunity given to the vendor to be heard, be determined by the department.

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Acts, 1921, Act. 13, p. 17.

Sec. 2.—The State department of agriculture shall exercise the powers and perform the duties now vested by law in the department of animal industry, the State food and drug commissioner. * * *

Comp. Laws, 1915, Vol. 2, ch. 120, p. 2307.

Sec. 6234 (1913). State standards.—The weights and measures received from the United States under a resolution of Congress approved June fourteen, eighteen hundred thirty-six, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or in renewal thereof, and such as shall be supplied by the State in conformity therewith and certified by the National Bureau of Standards, shall be the State standards, by which all county and municipal standards of weights and measures shall be tried, proved and sealed.

Sec. 6235. Superintendent of weights and measures.—The State dairy and food commissioner by virtue of his office shall be State superintendent of weights and measures during his term of office. His deputy shall be deputy superintendent of weights and measures and all inspectors appointed by the dairy and food commissioner shall be State inspectors and sealers of weights and measures.

Sec. 6236. Duties of; annual test; report to governor; inspections.—The superintendent of weights and measures shall take charge of the standards adopted by this article as the standards of the State, and cause them to be kept in a safe and suitable place in the office of the superintendent from which they shall not be removed except for repairs or for certification and he shall take all other necessary precautions for their safe keeping. He shall maintain the State standards in good order and shall submit them at least once in ten years to the National Bureau of Standards for certification. He shall at least once in five years try and prove by the State standards all weights, measures and other apparatus which may belong to any county or city, and shall seal such when found to be accurate stamping on them the letter "C" and the last two figures of the year with seals which he shall have and keep for that purpose. He shall have and keep a general supervision of the weights, measures and weighing and measuring devices offered for sale, sold, or in use in the State. He shall, upon the written request of any citizen, firm, corporation or educational institution in the State test or calibrate weights, measures, weighing or measuring devices, and instruments or apparatus used as standards in the State. He, or his deputy, or inspectors, by his direction, shall at least once annually test all scales, weights, and measures used in checking the receipts and disbursements of supplies in every institution for the maintenance of which moneys are appropriated by the legislature, and he shall report in writing his finding to the supervisory board and

to the executive officer of the institution concerned, and at the request of such board or executive officer the superintendent of weights and measures shall appoint in writing one or more employes then in the actual service of each institution, who shall act as special deputies without extra compensation for the purpose of checking the receipts and disbursements of supplies. He shall keep a complete record of standards, balances and other apparatus belonging to the State and take a receipt for same from his successor in office. He shall annually on the first day of July make to the governor a report of the work done by his office. The State superintendent or his deputy, or inspectors, at his direction, shall inspect all standards and apparatus used by the counties and cities at least once in five years and shall keep a record of the same. He, or his deputy, or inspectors, at his direction shall at least once in five years visit the various cities and counties of the State in order to inspect the work of the local sealers, and in the performance of such duties, he may inspect the weights, measures, balances, or any other weighing appliance of any citizen, firm, or corporation, and shall have the same power as the local sealer of weights and measures. The superintendent shall issue from time to time, regulations for the guidance of city and county sealers, and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties.

Sec. 6237. Supervisors, etc., to appoint sealer.—The board of supervisors of each county and the commissioner or common council of each city who may in their discretion appoint a sealer under this act, shall procure at the expense of the county or city, and shall keep at all times, a complete set of weights and measures and other apparatus of such material and construction as said superintendent of weights and measures may direct. All such weights, measures, and other apparatus having been tried and accurately proven by him, shall be sealed and certified to by the State superintendent as hereinbefore provided; and shall be then deposited with and preserved by the county or city sealer as public standards for such county or city.

Sec. 6238. County sealer; salary; annual report; bond; proviso.—The board of supervisors of each county may in its discretion appoint a county sealer of weights and measures in each county for a term of two years. He shall be paid a salary to be determined by said board, and no fee shall be charged by him or by the county for the inspection, testing, or sealing of weights, measures, or weighing or measuring devices; where not otherwise provided by law, the county sealer shall have the power within his county, and the State superintendent, his deputies and inspectors, within the State, to inspect, test, try, and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments or mechanical devices for measuring and tools, appliances and accessories connected with any and all such instruments or measures kept, offered, or exposed for sale, sold or used or employed within the county by any proprietor, agent, lessee, or employe in proving the size, quantity, extent, area, or measurement of quantities, things, produce, articles for distribution or consumption offered or submitted by such person or persons for sale, hire, or award; and they shall have the power to and shall from time

to time weigh or measure packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered for sale, or sold or in the process of delivery, in order to determine whether the same contains the amount represented, and whether they be offered for sale or sold in a manner in accordance with law. The county sealer shall at least once each year, and as much oftener as he may deem necessary, see that the weights, measures, and all apparatus used in the county are correct. The county and State inspectors may for the purpose above mentioned and in the general performance of their official duties enter or go in upon, and without formal warrant, any stand, place, building, or premises, or stop any vendor, peddler, junk dealer, coal wagon, ice wagon, delivery wagon, or any dealer whatsoever and require him, if necessary, to proceed to some place which the sealer may specify, for the purpose of making the proper tests. Whenever the county sealer or State inspectors find a violation of the statute relating to weights and measures, they shall cause the violator to be prosecuted. Whenever any sealer or inspector compares weights, measures, or weighing and measuring instruments and finds that they correspond, or causes them to correspond, with the standards in his possession, he shall seal or mark such weights, measures, or weighing or measuring instruments with appropriate devices to be approved by the State superintendent of weights and measures. The county sealer shall keep a complete record of all of his official acts and shall make an annual report to the board of supervisors and an annual report duly sworn to on the first day of July to the State superintendent of weights and measures on blanks to be furnished by the superintendent. The county sealer of weights and measures shall forthwith on his appointment give a bond in the penal sum of one thousand dollars, with sureties to be approved by the appointing power for the faithful performance of the duties of his office: *Provided, however*, That nothing in the above shall be construed to prevent two or more counties from combining the whole or any part of their districts as may be agreed upon by the board of supervisors with one set of standards and one sealer, upon the written consent of the State superintendent of weights and measures. A county sealer appointed in pursuance of such an agreement for such combination, shall, subject to the terms of his appointment, have the same authority, jurisdiction, and duties as if he had been appointed by each of the authorities who are party to the agreement.

Sec. 6239. City sealer; proviso.—Any incorporated city in this State may in its discretion appoint a city sealer of weights and measures under this act. He shall be appointed by the mayor, by and with the advice and consent of the common council. He shall perform in said city the duties and have like powers as the county sealer in the county. In those cities in which no sealer is appointed as above, the county sealer of the county, if there be one, shall perform in said cities the duties and have like powers as in the county: *Provided, however*, That nothing in the above shall be construed to prevent any county and a city situated therein from combining the whole or any part of their districts as may be agreed upon with one sealer, subject to the written approval of the State superintendent of weights and measures. A sealer appointed in pursuance of an agreement for

such combination shall, subject to the terms of his appointment, have the same authority, jurisdiction, and duties as if had been appointed by each of the authorities who are parties to the agreement.

Sec. 6240, as amended by Acts, 1923, Act 24, p. 44. False measures, etc., sale, etc., of, misdemeanor; penalty.—Any person who shall offer or expose for sale, sell, or use or retain in his possession, a false weight or measure or weighing or measuring device or any weight or measure or weighing or measuring device in the buying or selling of any commodity or thing or for hire or reward; or who shall dispose of any condemned weight, measure or weighing or measuring device contrary to law or remove any tags placed thereon by the sealer of weights and measures; or any person who shall sell or offer or expose for sale less than the quantity he represents, or sell or offer or expose for sale any such commodity in a manner contrary to law; or any person who shall sell or offer for sale or have in his possession for the purpose of selling any device or instrument to be used to, or calculated to, falsify any weight or measure, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars or by imprisonment for not more than three months or by both such fine and imprisonment upon first conviction; but upon a second or subsequent conviction he shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment.

Sec. 6241. May seize false weight, etc.—The superintendent of weights and measures, his deputy, inspectors, and the county and city sealers of weights and measures are hereby made special policemen, and are authorized to seize, for use as evidence and without formal warrant any false or unsealed weight, measure or weighing or measuring device or package or amounts of commodities, found to be used, retained or offered or exposed for sale or sold in violation of law.

Sec. 6242. Hindering, etc.; penalty.—Any person who shall hinder or obstruct in any way, the superintendent of weights and measures, his deputy, or inspectors, or any county or city sealer, in the performance of his official duties shall be guilty of a misdemeanor, and shall be punished upon conviction thereof, in any court of competent jurisdiction, by a fine of not less than two nor more than two hundred dollars, or by imprisonment in the county jail for not more than ninety days or by both such fine and imprisonment.

Sec. 6243. Unlawful to impersonate.—Any person who shall impersonate in any way the superintendent of weights and measures, his deputies, inspectors or any county or city sealer, by use of his seal or otherwise, shall be quilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than ninety days or by both such fine and imprisonment.

Sec. 6244. Sections repealed.—Sections four thousand eight hundred eighty-two, four thousand eight hundred eighty-three, four thousand eight hundred eighty-four, four thousand eight hundred eighty-five, four thousand eight hundred eighty-six, four thousand eight hundred eighty-seven, four thousand eight hundred eighty-eight, four

thousand eight hundred eighty-nine, four thousand eight hundred ninety, four thousand eight hundred ninety-one, four thousand eight hundred ninety-two, four thousand eight hundred ninety-three, four thousand eight hundred ninety-four, four thousand eight hundred ninety-five, four thousand eight hundred ninety-six and four thousand eight hundred ninety-seven of the Compiled Laws of eighteen hundred ninety-seven, relative to weights and measures, are hereby repealed.

Sec. 6245°. Construction of certain contracts.—When any commodity shall be sold by the hundredweight, it shall be understood to mean the net weight of one hundred pounds avoirdupois, and all contracts concerning goods or commodities sold by weight, shall be construed accordingly, unless such construction would be manifestly inconsistent with the special agreement of the parties contracting.

Sec. 6246°. Standard measure of fruits, etc.; bushel of charcoal.—The half bushel and the parts thereof shall be the standard measure for fruits and other commodities customarily sold by heaped measure; and in measuring such commodities the half bushel or other smaller measure shall be heaped as high as may be, without especial effort or design; and the standard measure of charcoal shall be twenty-seven hundred and forty-eight cubic inches for each and every bushel thereof.

Sec. 6247, as amended by Acts, 1925, Act No. 59, p. 78. Weight per bushel of grain.—That whenever wheat, rye, shelled corn, corn on the cob, corn meal, oats, buckwheat, beans, clover seed, timothy seed, flax seed, hemp seed, millet seed, blue grass seed, red top seed, barley, dried apples, dried peaches, potatoes, potatoes (sweet), onions, turnips, peas, cranberries, dried plums, castor beans, salt, mineral coal, Hungarian grass seed, orchard grass seed, osage orange seed, beets, carrots or parsnips, shall be sold by the bushel, and no special agreement as to the measure or weight thereof shall be made by the parties, the measure thereof shall be ascertained by weight, and shall be computed as follows, viz:[1]

	Pounds per bushel		Pounds per bushel
Wheat	60	Peaches, dried	28
Rye	56	Potatoes	60
Shelled corn	56	Potatoes, sweet	56
Corn on the cob	70	Onions	54
Corn meal	50	Turnips	58
Oats	32	Peas	60
Buckwheat	48	Cranberries	40
Beans	60	Plums, dried	28
Clover seed	60	Beans, castor	46
Timothy seed	45	Salt, Michigan	56
Flax seed	56	Coal, anthracite (mineral)	80
Hemp seed	44	Coal, bituminous (mineral)	60
Millet or Hungarian grass seed	50	Grass seed, orchard	14
Blue grass seed	14	Orange seed, osage	33
Red top seed	14	Beets	56
Barley	48	Carrots	50
Apples, dried	22	Parsnips	50

Sec. 6249 (1871). Weight of bushel stone lime.—That whenever stone-lime is sold, and no special agreement is made by the parties, the bushel shall consist of seventy pounds.

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[2] A slight change has been made in the arrangement for convenience of reference.

Sec. 6250 (1877). Apples.—That whenever apples are bought or sold by weight forty-eight pounds shall constitute a bushel.

Sec. 6251 (1881). Duty of persons weighing cattle, etc.; correct weights to be given.—That every person who shall weigh for any person purchasing, or selling, or offering for sale, any live stock, neat cattle, sheep, swine, poultry, or other live animals, or any beef, pork, mutton, fowls, or other animals when dressed, or any hay, grain, or produce, shall make a true and correct weight or weights thereof, and give to the purchaser and seller, or person offering the same for sale, when requested, the true, full, correct, and gross amount of any and all such weights.

Sec. 6252. Penalty for violation of act.—Every person who shall willfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment, in the discretion of the court.

Sec. 6253 (1871). Size of peach baskets.—That the quantity known as a box or basket of peaches shall contain seven hundred and sixteen and four-fifths cubic inches, or one-third of a bushel strict measure.

Sec. 6255 (1877). Fruit, etc., not to be sold in less quantities than represented.—That when any person or persons, party or parties, shall offer for sale or sell in any township, village, or city, within this State, any fruits or vegetables contained in drawers or cases, boxes or baskets, represented to hold one bushel or any fractional part thereof, said drawers, boxes, cases, or baskets, shall be of the dimensions to hold, and shall hold the quantity offered for sale or sold, whether by the bushel of thirty-two quarts or any fractional part thereof.

Sec. 6256. Penalty.—Any person or persons violating the provisions of the foregoing section, upon conviction before any court of competent jurisdiction, shall be liable to a fine not less than five dollars nor more than twenty dollars, and imprisonment for a term not to exceed three months, or either or both, in the discretion of said court.

Sec. 6257 (1895). Fruit baskets to be marked as to number of pounds.—That all manufacturers of peach baskets and other fruit packages designed for the shipment of peaches, grapes and plums, and all shippers and dealers in the same, shall mark or cause to be marked in a plain manner on the outside, otherwise than the bottom, of such baskets or packages, the capacity of each basket or package in pounds at the rate of one pound for each forty-three and eight-thousandths cubic inches of space contained in such basket or package.

Sec. 6258. Penalty.—Any manufacturer of or dealer in peach baskets, or other fruit packages designed for the shipment of peaches, grapes and plums, who shall sell or offer to sell such baskets or packages without complying with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined not less than twenty-five dollars nor more than one hundred dollars, and stand committed to the county jail until such fine and costs are paid.

Sec. 6260 (1909). Certain mill products; standard weights per barrel; weights to be placed in barrel, etc.—When mill products of wheat, corn, rye or buckwheat, known as flour, grits, meal or compounds of the same, are placed or packed in barrels, fractional parts of a barrel or sacks to be sold or billed to any person or persons within this State, the standard weight or measure of a barrel or the fractional part thereof, shall be as follows, viz:

One hundred and ninety-six pounds for a barrel;
Ninety-eight pounds for one-half barrel;
Forty-nine pounds for one-quarter barrel;
Twenty-four and one-half pounds for one-eighth barrel;
Twelve and one-fourth pounds for one-sixteenth barrel;
Six and one-eighth pounds for one-thirty-second barrel.

The full and correct weights as herein established shall be placed in said barrel or fractional part thereof by the manufacturer, company, dealer, person or persons filling the same, and the weights as herein established shall be the legal weights in this State for such packages when they are bought or sold, offered or exposed for sale, or in possession with intent to sell, or sold and delivered, ordered or billed.

Sec. 6261. Short weights.—No person or persons shall sell, offer or expose for sale in this State by the barrel, or by the fractional parts of a barrel as herein established, any of the mill products specified in section one hereof [sec. 6260], unless the barrel or fractional part of such barrel shall contain the full weight of such mill product as is provided for in section one hereof.

Sec. 6262. Weight to be marked on package.—Before any package containing the mill products or compounds of such mill products specified in section one of this act shall be sold or offered or exposed for sale in this State, the number of pounds contained therein shall be plainly printed or stamped on the face label in plain English letters and numbers not less than one-half inch high. When such packages are sold as one-half, one-quarter, one-eighth, one-sixteenth or one-thirty-second of a barrel they shall be so marked in addition to the number of pounds marked thereon as herein provided.

Sec. 6263. Abstraction of contents unlawful.—No manufacturer, company, dealer or person shall abstract any part of the mill products from the standard packages or fractional parts named in section one, and sell such package as a barrel or fractional part of a barrel as defined in section one.

Sec. 6264. Penalty.—Any manufacturer, company, dealer, person or persons who shall knowingly sell, offer or expose for sale or for distribution in this State any package containing mill products of the cereals enumerated in section one [section six thousand two hundred sixty] which are stamped or labeled with a greater number of pounds than such package actually contains, or who shall put up or sell in this State any of the mill products of the above named cereals in a manner contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars and the costs of prosecution, or by imprisonment in the common jail or the Michigan Reformatory at Ionia for not less than ninety days nor more than one year or by both such fine and

imprisonment in the discretion of the court for each and every offense: *Provided, however*, That nothing in this act shall be construed to cover or affect sales or shipments made to any manufacturer, company, dealer, person or persons outside of this State and not intended for sale or shipment back into this State.

Sec. 6265. Dairy and food commissioner; duties of.—It shall be the duty of the dairy and food commissioner to investigate all complaints of violations of this act, and to take all steps necessary to its enforcement. It shall be the duty of all prosecuting officers of this State to prosecute to completion all suits brought under the provisions of this act upon complaint of said commissioner or any person.

Sec. 6267. Binder twine; stamp, tag or label, what to state; tolerance.—No binder twine shall be sold, exposed or offered for sale within this State, except the same bear upon each ball a stamp, tag or label truly stating the name of the manufacturer, importer or jobber of such twine, the kind or kinds of material it contains, and the number of feet to the pound in such ball: *Provided*, That a deficiency not exceeding five per cent in the length or tensile strength stated on the stamp, tag or label shall not be a violation hereof.

Sec. 6268. Penalty for violation.—Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall upon conviction thereof be punished by a fine not exceeding five hundred dollars: *Provided*, That the selling or exposing for sale of any ball of twine which does not conform to the requirements of this act shall constitute a separate and distinct offense.

Sec. 6279 (1915). Capacity of milk bottles.—On and after January one, nineteen hundred sixteen, bottles used for the sale of milk and cream in this State shall be of the capacity of half gallon, three pints, one quart, one pint, ten ounce, half pint, one gill filled full to the bottom of the lip. The following variations on individual bottles or jars may be allowed: Six drams above and six drams below on the half-gallon; five drams above and five drams below on the three-pint; four drams above and four drams below on the quart; three drams above and three drams below on the pint; two and one-half drams above and two and one-half drams below on the ten ounce; two drams above and two drams below on the half-pint; two drams above and two drams below on the gill. But the average contents of not less than twenty-five bottles selected at random from at least four times the number tested must not be in error by more than one-quarter of the tolerances: One and five-tenths drams above and one and five-tenths drams below on the half gallon; one and twenty-five hundredths drams above and one and twenty-five hundredths drams below on the three pint; one dram above and one dram below on the quart; seventy-five hundredths drams above and seventy-five hundredths drams below on the pint; seventy-five hundredths drams above and seventy-five hundreds drams below on the ten ounce; five-tenths drams above and five-tenths drams below on the half pint; five-tenths drams above and five-tenths drams below on the gill. Bottles or jars used for the sale of milk shall have clearly blown or otherwise permanently marked in the side of the bottle, the capacity of the bottle and the word "sealed" and in the side or

bottom of the bottle the name, initials or trade-mark of the manufacturer and designating number, which designating number shall be different for each manufacturer and may be used in identifying the bottles. The designating number shall be furnished by the State superintendent of weights and measures upon application by the manufacturer, and upon filing by the manufacturer of a bond in the sum of one thousand dollars with sureties to be approved by the Attorney General, conditioned upon their performance of the requirements of this section. A record of the bonds furnished, the designating numbers, and to whom furnished, shall be kept in the office of the superintendent of weights and measures.

Sec. 6280. Unlawful sales.—On and after January one, nineteen hundred sixteen, any manufacturer who sells milk or cream bottles to be used in this State, which do not comply as to size and markings with the provisions of this act, shall suffer the penalty of five hundred dollars, to be recovered by the attorney general in an action against the offender's bondsmen, to be brought in the name of the people of the State. Any dealer who uses, for the purpose of selling milk or cream, jars or bottles purchased after this law takes effect, which do not comply with the requirements of this act as to markings and capacity, shall be deemed guilty of using false or insufficient measure.

Sec. 6281. Bottles not to be sealed.—Sealers of weights and measures are not required to seal bottles or jars for milk or cream marked as in this act provided, but they shall from time to time make tests on individual bottles used by the various firms in the territory over which they have jurisdiction, in order to ascertain whether the above provisions are being complied with, and they shall report violations found immediately to the superintendent of weights and measures. Any dealer who knowingly uses for the purpose of selling milk or cream, jars or bottles purchased after this law takes effect, which do not comply with this act as to marking the capacity, shall be guilty of a misdemeanor and be punished accordingly.

Comp. Laws, 1915, Vol. 2, ch. 126, p. 2412.

Sec. 6644°. Miller to keep scales and weigh grain, flour, etc.; penalty for neglect or refusal.—Every miller occupying and using a grist mill, shall be provided with scales and weights, or a vibrating steelyard, to weigh corn, grain, flour and meal, delivered at and taken from the mill, if required; and if he shall neglect to keep himself so provided, or shall refuse so to weigh corn, grain, flour, or meal, when required by any person delivering or taking away the same, he shall forfeit, for each neglect or refusal, not less than one dollar, nor more than five dollars.

Comp. Laws, 1915, Vol. 3, ch. 257, p. 5293.

Sec. 15320 (a1915). False tokens or pretenses.—Every person who, with intent to defraud or cheat, shall designedly, by color of any false token or writing * * * or by means of any false weights or measures obtain a larger amount or quantity or property than was bargained for, or by means of any false weights or measures sell or dispose of a less amount or quantity of property than was bargained for, if such land or interest in land, money, personal property, use of such instrument, facility or article, valuable thing,

service, larger amount obtained or less amount disposed of, shall be of the value of twenty-five dollars or less, shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding three months, and if such land, interest in land, money, personal property, use of such instrument, facility or article, valuable thing, service, larger amount obtained or less amount disposed of shall be of the value of more than twenty-five dollars, such person shall be punished by imprisonment in the State prison not more than ten years or by a fine not exceeding five hundred dollars and imprisonment in the county jail not more than one year.

Comp. Laws, 1915, Vol. 1, ch. 68, p. 937.

Sec. 2231 (1915). Standard gauge for fence.—The Washburn and Moen gauge is hereby declared to be the standard gauge for testing galvanized wire fence within this State.

Comp. Laws, 1915, Vol. 1, ch. 72, p. 1037.

Sec. 2640, as amended by Acts, 1921, Act 21, p. 31. General powers of councils; villages.—Every village subject to the provisions of this act, shall, in addition to such other powers as are conferred, have the general power and authority granted in this chapter, and the council may pass such ordinances in relation thereto as it may deem proper, namely:

Twelfth. To provide for the inspection and sealing of weights and measures, and to enforce the keeping and use of proper weights and measures by venders; * * *

Comp. Laws, 1915, Vol. 1, ch. 73, p. 1135.

Sec. 3021°. General powers of city corporations of fourth class; inspection and measuring certain merchandise; inspection and sealing of weights and measures.—Every city incorporated under the provisions of this act [cities containing a population not exceeding ten thousand], shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, namely:

Eighteenth. To regulate the inspection, weighing, and measuring of brick, lumber, firewood, coal, hay, and any article of merchandise;

Nineteenth. To provide for the inspection and sealing of weights and measures and to enforce the keeping and use of proper weights and measures by venders.

Acts, 1917, Act 123, p. 199.

Sec. 1. Scales authorized.—It shall be lawful for the township board of any township or village council of any village in this State to appropriate money for the purpose of establishing township or village scales for the weighing of farm produce and for other purposes. All sums hereby authorized to be appropriated shall be assessed, levied and collected in the same manner as other expenses of such townships or villages are assessed, levied and collected. The maintenance, management and control of such scales shall be under the direction of the township board or village council, as the case may be and the expense connected therewith shall be paid in the

same manner as other expenses of such townships or villages are paid.

Acts, 1917, Act No. 74, p. 138.

Sec. 1. Standard Climax baskets.—That standards for Climax baskets for grapes and other fruits and vegetables shall be the two-quart basket, four-quart basket, and twelve-quart basket, respectively.

(*a*) The standard two-quart Climax basket shall be of the following dimensions: Length of bottom piece, nine and one-half inches; width of bottom piece, three and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, three and seven-eighths inches, outside measurement; top of basket, length eleven inches and width five inches, outside measurement. Basket to have a cover five by eleven inches, when a cover is used;

(*b*) The standard four-quart Climax basket shall be of the following dimensions: Length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenths inches, outside measurement; top of basket, length fourteen inches, width, six and one-fourth inches, outside measurement. Basket to have cover six and one-fourth inches by fourteen inches, when cover is used;

(*c*) The standard twelve-quart Climax basket shall be of the following dimensions: Length of bottom piece, sixteen inches; width of bottom piece, six and one-half inches; thickness of bottom piece, seven-sixteenths of an inch; height of basket, seven and one-sixteenth inches, outside measurement; top of basket, length nineteen inches, width nine inches, outside measurement. Basket to have cover nine inches by nineteen inches, when cover is used.

Sec. 2. Small fruit baskets.—That the standard basket or other container for small fruits, berries, and vegetables shall be of the following capacities, namely, dry one-half pint, dry pint, dry quart, or multiples of the dry quart.

(*a*) The dry half pint shall contain sixteen and eight-tenths cubic inches;

(*b*) The dry pint shall contain thirty-three and six-tenths cubic inches;

(*c*) The dry quart shall contain sixty-seven and two-tenths cubic inches.

Sec. 3. Penalty for violation.—That it shall be unlawful to manufacture for shipment, or to sell within the State any Climax baskets or other containers for small fruits, berries, or vegetables, whether filled or unfilled, which do not conform to the provisions of this act; and any person guilty of a wilful violation of any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding twenty-five dollars: *Provided*, That nothing herein contained shall apply to the manufacture, sale, or shipment of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables when intended for export to foreign countries when such Climax baskets, baskets, or other containers for small fruits, berries, and vegetables accord with the specifications of the foreign purchasers or comply with the law of the country to which shipment is made or to be made.

Sec. 4. Who to test, etc.—That the examination and test of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables, for the purpose of determining whether such baskets or other containers comply with the provisions of this act, shall be made by the dairy and food department, and the dairy and food commissioner shall establish and promulgate rules and regulations allowing such reasonable tolerances and variations as may be found necessary.

Sec. 5. Prosecuting attorney, duty of.—That it shall be the duty of each prosecuting attorney, to whom satisfactory evidence of any violation of the act is presented, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the State for the enforcement of the penalties as in such case herein provided.

Sec. 6. When dealer not liable.—That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the manufacturer, wholesaler, jobber, or other party residing within the United States from whom such Climax baskets, baskets, or other containers, as defined in this act, were purchased, to the effect that said Climax baskets, baskets, or other containers are correct within the meaning of this act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of Climax baskets, baskets, or other containers to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this act.

Acts, 1917, Act 88, p. 160.

Sec. 1. Standard barrel for fruits and vegetables; dimensions.—The standard barrel [2] for fruits, vegetables, and other dry commodities other than cranberries shall be of the following dimensions when measured without distention of its parts: Length of staves, twenty-eight and one-half inches; diameter of heads, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of bulge, sixty-four inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch: *Provided*, That any barrel of a different form having a capacity of seven thousand fifty-six cubic inches shall be a standard barrel. The standard barrel for cranberries shall be of the following dimensions when measured without distention of its parts: Length of staves, twenty-eight and one-half inches; diameter of heads, sixteen and one-fourth inches; distance between heads, twenty-five and one-fourth inches; circumference of bulge, fifty-eight and one-half inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch.

Sec. 2. Unlawful to sell, etc., barrel of less capacity.—It shall be unlawful to sell, offer, or expose for sale in this State, or to ship from this State, to any other State, Territory, or the District of Columbia or to a foreign country, a barrel containing fruits or vegetables or any other dry commodity of less capacity than the standard barrels defined in the first section of this act, or subdivisions thereof known as the third, half, and three-quarter barrel, and any person guilty

[2] See note, p. 20, relative to Federal standard barrel.

of a wilful violation of any of the provisions of this act shall be deemed guilty of a misdemeanor and be liable to a fine not to exceed one hundred dollars, in any court of this State having jurisdiction: *Provided, however*, That no barrel shall be deemed below standard within the meaning of this act when shipped to any foreign country and constructed according to the specifications or directions of the foreign purchaser if not constructed in conflict with the laws of the foreign country to which the same is intended to be shipped.

Sec. 3. Variations.—Reasonable variations shall be permitted and tolerance established by rules and regulations made by the Director of the Bureau of Standards and approved by the Secretary of Commerce. Prosecutions for offenses under this act may be begun upon complaint of local sealers of weights and measures or other officer of the State appointed to enforce the laws of the said State, relating to weights and measures: *Provided, however*, That nothing in this act shall apply to barrels used in packing or shipping commodities sold exclusively by weight or numerical count.

Sec. 5. Repealing clause.—An act entitled "An act to regulate the size of dry or packing barrels for fruits, roots and vegetables," being section six thousand two hundred fifty-four of the compiled laws of nineteen hundred fifteen, be and the same is hereby repealed.

Acts, 1925, Act No. 145, p. 186.

Sec. 1. "Fancy table grapes," size of container.—"Fancy table grapes" shall be packed in two or four quart Climax baskets or carriers of two or more small units, or any container of less than twelve-quart (sixteen-pound) capacity, * * *

Sec. 2. "No. 1 grapes."—"No. 1 grapes" shall be packed in twelve-quart (sixteen-pound) capacity Climax baskets, or larger containers, * * *

Sec. 3. "No. 2 grapes."—"No. 2 grapes" shall be packed in twelve-quart (sixteen-pound) capacity Climax baskets, or larger capacity, * * *

Sec. 4. "Frosted grapes."—Grapes that have been subjected to frost injury prior to harvest may be packed only in twelve-quart (sixteen-pound) capacity Climax baskets, or containers of larger capacity, * * *

Sec. 5. Marking.—All containers shall be clean and in good condition, and shall be conspicuously and legibly marked declaring: (1) The name and address of the person, firm or association under whose authority the grapes were packed, sold or offered for sale. (2) The name of the grade. (3) The net contents. (4) The name of the variety of the grapes. If the variety of the grapes is unknown, it shall be so stated. Excepting as otherwise provided in this act, the labeling or marking of the containers shall be done with letters not less than one-fourth inch in height before leaving the premises of the person or persons responsible for the grading and packing.

Sec. 6. Small units.—* * * "Small units" means not to exceed four-quart capacity containers.

Sec. 7. Who may inspect.—The commissioner of agriculture, his inspectors or agents, for the purpose of inspection and enforcement of this act, or any section or part of section thereof, are given authority and power to enter into or upon any premises or property,

without warrant, where grapes are packed, exposed, offered or consigned for sale, or held in possession for storage or delivery, and inspect the same, also procure, upon market value being tended or accepted, sufficient samples to present as evidence in obtaining complaint for prosecution.

Sec. 8. Penalty.—Any person convicted of violating any of the provisions of this act shall, upon conviction thereof for the first offense, be subject to a fine of not more than fifty dollars, or imprisonment in the county jail for not to exceed thirty days, or both such fine and imprisonment in the discretion of the court. Any person convicted for the second and subsequent violations shall be subject to a fine of not more than two hundred dollars, or thirty days in jail, or both such fine and imprisonment in the discretion of the court or magistrate before whom such conviction may be had.

Sec. 9. Act repealed.—Act number fifty-four of the public acts of nineteen hundred twenty-three is hereby repealed.

Comp. Laws, 1915, Vol. 2, ch. 124, p. 2342.

Sec. 6476 (a1915). When article misbranded; package must bear net weight, count or measure.—(*a*) An article shall be deemed to be misbranded within the meaning of this act: * * *;

Third. If in package form every package, box, bottle, basket or other container does not bear the true net weight, excluding the wrapper or container, which shall be stated in terms of pounds, ounces and grains avoirdupois weight or the true net measure, which measure, in case of liquids, shall be in terms of gallons of two hundred and thirty-one cubic inches or fractions thereof, as quarts, pints and ounces or the true numerical count, as the case may be, expressed on the face of the principal label in plain English words or numerals, so that it can be plainly read: *Provided, however*, That reasonable variations shall be permitted and tolerances therefor and also exemptions as to small packages shall be established and promulgated by the dairy and food commissioner; *Provided, however*, That no penalty of fine, imprisonment or confiscation shall be enforced for any violation of subdivision third of this section prior to September first, nineteen hundred fourteen, as to goods in the hands of wholesalers or retailers when this act takes effect or received prior to January one, nineteen hundred fourteen. The provisions of this subdivision shall not apply to beverages in glass containers;

Fourth. * * * Every article of food as defined in the statutes of this State shall be sold by weight, measure or numerical count and as now generally recognized by trade custom, except where the parties otherwise agree, and shall be labeled in accordance with the provisions of the food and beverage laws of this State. Only those products shall be sold by numerical count which can not well be sold by weight or measure. All foods not liquid, if sold by measure, shall be sold by standard dry measure, the quart of which contains sixty-seven twenty one-hundredths cubic inches, providing that the provisions of this section shall not apply to fresh fruit and vegetables.

Comp. Laws, 1915, Vol. 2, ch. 120, p. 2307.

Sec. 6299 (1913). "Commercial fertilizer," what to include.—The term "commercial fertilizer" shall be held to include any and every substance, limestone or lime rock, imported, manufactured, prepared

or sold for fertilizing or manurial purposes, the retail price of which is ten dollars or more per ton. Every lot or parcel of commercial fertilizer sold, offered or exposed for sale, or distributed within this State shall have on each bag or sack, in a conspicuous place on the outside, a legibile and plainly printed statement in the English language clearly and truly certifying:

(*a*) The net weight of the contents of the package, lot or parcel;

(*b*) The name, brand or trade-mark;

(*c*) The name and principal address of the manufacturer or person responsible for placing the commodity on the market; * * *

Acts, 1917, Act. No. 91, p. 163.

Sec. 2. Commercial feeding stuffs; net weight to be marked.—Every lot or parcel of commercial feeding stuffs sold, offered or exposed for sale, or distributed within this State shall have affixed thereto a tag or label, in a conspicuous place on the outside, containing a legible and plainly written statement in the English language, clearly and truly certifying:

(*a*) The net weight of the contents of the package, lot or parcel;

(*b*) The name, brand or trade-mark;

(*c*) The name and principal address of the manufacturer or person responsible for placing the commodity on the market; * * *

Comp. Laws, 1915, Vol. 2, ch. 124, p. 2342.

Sec. 6426 (1907). Representative average sample.—In taking samples of milk or cream from any milk can, cream can or any container of milk or cream, the contents of such milk can, cream can, or container of milk and cream shall first be thoroughly mixed either by stirring or otherwise and the sample shall be taken immediately after mixing, or by any other method which gives a representative average sample of the contents, and it is hereby made a misdemeanor to take samples by any method which does not give a representative average sample where milk or cream is bought or sold, and where the value of said milk of cream is determined by the butter fat contained in the same by the Babcock test.

Sec. 6427. Standard testing glassware.—In the use of the Babcock test the term "standard Babcock testing glassware" shall apply to glassware complying with the following specifications:

(*a*) STANDARD MILK TEST BOTTLES.—Graduation: The total per cent graduation shall be eight per cent. The graduated portion of the neck shall have a length of not less than sixty-three five-tenths millimeters (two and one-half inches). The graduation shall represent whole per cent, five-tenths per cent, and tenths per cent. The tenth per cent graduations shall not be less than three millimeters in length; the five-tenths per cent graduations shall be one millimeter longer than the tenths per cent graduations, projecting one millimeter to the left; the whole per cent graduations shall extend at least one-half way around the neck to the right and projecting two millimeters to the left of the tenths per cent graduations. Each per cent graduation shall be numbered, the number being placed on the left of the scale. The arrow [error] at any point of the scale shall not exceed one-tenth per cent.

Neck: The neck shall be cylindrical and the cylindrical shape shall extend for at least nine millimeters below the lowest and above

the highest graduation mark. The top of the neck shall be flared to a diameter of not less than ten millimeters.

Bulb: The capacity of the bulb up to the junction of the neck shall not be less than forty-five cubic centimeters. The shape of the bulb may be either cylindrical or conical with the smallest diameter at the bottom. If cylindrical, the outside diameter shall be between thirty-four and thirty-six millimeters; if conical, the outside diameter of the base shall be between thirty-one and thirty-three millimeters, and the maximum diameter between thirty-five and thirty-seven millimeters.

The charge of the bottle shall be eighteen grams.

The total height of the bottle shall be between one hundred fifty and one hundred sixty-five millimeters (five and seven-eighths and six and one-half inches).

(*b*) Standard Cream Test Bottles.—Two types of bottles shall be accepted as standard cream test bottles, a fifty per cent nine-gram short-neck bottle and a fifty per cent nine-gram long-neck bottle.

Fifty per cent nine-gram-short-neck bottles—Graduation: The total per cent graduation shall be fifty. The graduated portion of the neck shall have a length of not less than sixty-three five-tenths millimeters (two and one-half inches). The graduation shall represent five per cent, one per cent and five-tenths per cent. The five per cent graduations shall extend at least one-half way around the neck of the bottle (to the right). The five per cent graduations shall have a length intermediate between the five per cent and the five-tenths per cent graduations. Each five per cent graduation shall be numbered, the number being placed on the left of the scale. The arrow [error] at any point of the scale shall not exceed five-tenths per cent.

Neck: The neck shall be cylindrical and the cylindrical shape shall extend at least nine millimeters below the lowest and nine millimeters above the highest graduation mark. The top of the neck shall be flared to a diameter of not less than ten millimeters.

Bulb: The capacity of the bulk [bulb] up to the junction of the neck shall not be less than forty-five cubic centimeters. The shape of the bulb may be either cylindrical or conical with the smallest diameter at the bottom. If cylindrical, the outside diameter of the base shall be between thirty-one and thirty-three millimeters and the maximum diameter between thirty-five and thirty-seven millimeters.

Charge of bottles: The charge of the bottle shall be nine grams. All bottles shall bear on top of the neck above the graduations, in plainly legible characters, a mark defining the weight of the charge to be used (nine grams).

Height of bottle: The total height of the bottle shall be one hundred fifty and one hundred sixty-five millimeters (five and seven-eights and six and one-half inches), same as standard milk test bottles.

Fifty per cent nine-gram long-neck bottles: The same specifications in every detail as specified for the fifty per cent nine gram short-neck bottle shall apply for the long-neck bottle with the exception, however, that the total height of this bottle shall be between two hundred ten and two hundred thirty-five millimeters (eight and one-half and eight and seven-eighths inches) and that the total

length of the graduation shall be not less than one hundred twenty millimeters.

THE STANDARD BABCOCK PIPETTE.—Total length of pipette shall be not more than three hundred thirty millimeters (thirteen and one-fourth inches). Outside diameter of suction tube six to eight millimeters. Length of suction tube one hundred twenty millimeters. Outside diameter tube one hundred to one hundred twenty millimeters. Distance of graduation mark above bulb thirty to sixty millimeters. Nozzle straight. Delivery seventeen six-tenths cubic centimeters of water at twenty degrees C., in five to eight seconds.

Butter-fat and cream scales: All butter-fat and cream scales used for the purpose of determining the value or per cent of butter-fat content of milk or cream by the Babcock test shall be subject to the following specifications:

Graduated face: 1. The scale shall be provided with a graduated face of at least ten divisions over which the pointer shall play.

Pointer: 2. The pointer must reach to the graduated divisions and shall terminate in a fine point to enable the readings to be made clearly and distinctly.

Interval: 3. The clear interval between the divisions on the graduated face shall not be less than five one-hundredths inch.

Leveling screws required when: 4. All scales whose weight indications are changed by an amount greater than one-half the tolerance allowed, when set in any position on a surface making an angle of three degrees or approximately five per cent with the horizontal, shall be equipped with leveling screws and a device which will indicate when the scale is level: *Provided, however*, That the scale shall be rebalanced at zero each time its postion is altered during the test.

Sensibility under load: 5. The addition of one-half grain to the scale when loaded to capacity shall cause a movement of the pointer at least equal to one division on the graduated face.

Sensibility reciprocate: 6. The sensibility reciprocal and tolerance of cream test and butter-fat test scales shall be one-half grain (thirty milligrams). Every person, firm, company, association, corporation or agent thereof buying and paying for milk or cream on the basis of the amount of butter fat contained therein as determined by the Babcock test shall use standard Babcock test bottles, pipettes an daccurate weights and scales as defined in this act.

Sec. 6428. Unlawful reading of test.—It shall be unlawful for the owner, manager, agent, or any employee of a cheese factory, creamery, condensed milk factory or milk depot or other place where milk or cream is tested for quality or value to falsely manipulate or underread or overread the Babcock test, or make settlements on any other bases that the correct reading of the Babcock test or any other contrivance used for determining the quality or value of milk or cream where the value of said milk or cream is determined by the per cent of butter fat contained in the same or to make any false determination by the Babcock test or otherwise.

Sec. 6429. Penalty.—Whoever shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than fifty dollars for each and every offense or be imprisoned in the county jail not less than ten days nor more than thirty days.

Comp. Laws, 1915, Vol. 2, ch. 156, p. 2939.

Sec. 8231 (1913). False description or weights of freight; penalty.—Any person, firm or corporation who shall knowingly offer any goods, property or effects to any common carrier for transportation within this State with a false description of the same, or who shall offer any such goods, property or effects under a false billing, false classification or false weight and thereby procure or attempt to procure the transportation of any such goods, property or effects at a less cost than would be due under a true description, true billing, true classification or true weight, shall be deemed guilty of a misdemeanor, and upon conviction thereof by any court of competent jurisdiction shall be punished by a fine of not to exceed two hundred dollars or by imprisonment in the county jail for a term not to exceed ninety days, or by both such fine and imprisonment in the discretion of the court.

Comp. Laws, 1915, Vol. 2, ch. 103, p. 2080.

Sec. 5521 (1913). Inspector of weights at coal mines.—The State coal mine inspector shall be ex officio inspector of weights, measures and scales used at coal mines, and he is hereby empowered and it shall be his duty to test all the scales, correctly measure the weight of such coal, and if defects or irregularities are found in such scales, which prevent correct weights and measurements, the inspector shall call the attention of the mine owner, agent or operator to such defects, and shall direct the same to be at once properly adjusted and corrected.

Sec. 5522. Test weights.—For the purpose of carrying out the provisions of this act, the State inspector shall be furnished by the State with a complete set of standard weights, suitable for testing the accuracy of track scales and of all smaller scales at mines. Such test weights shall remain in the custody of the inspector for use at any point within the State, and for any amounts expended by him for storage, transportation or handling of the same, he shall be fully reimbursed upon making entry of the proper items in his expense voucher.

Sec. 5523. Weighmen to make oath.—All weighmen who shall perform the duty of weighing coal shall be sworn by some one competent to administer a legal oath, that they will perform their duty accurately and impartially as between employers and employes, and that they will honestly report and record all weights of coal with which they are entrusted. The coal mine employes shall have the right to name a competent and fair check weighman, who shall be paid by the employes and be sworn by one authorized to administer oaths.

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Gen. Stats., 1923, ch. 28A, p. 729.

Sec. 5270 (1911). Department created, under jurisdiction railroad and warehouse commission.—There is hereby created a department to be known as the department of "weights and measures," hereafter referred to as the department, and it shall be under the jurisdiction of the railroad and warehouse commission, hereafter referred to as the commission, which shall have supervision and control over all weights, weighing devices and measures in the State.

Sec. 5271. Commission to appoint commissioner and deputies; bond.—The commission shall appoint a commissioner of weights and measures and such deputies and other employees as may be necessary to carry out the provisions of this chapter and fix their compensation. The commissioner of weights and measures and the deputies shall give a bond in a sum to be fixed and approved by the commission. The commission shall provide for such examinations as it may deem necessary to determine the qualifications and fitness of appointees.

Sec. 5272 (1919). Commissioner of weights and measures salary and deputies.—The salary of the commissioner of weights and measures shall be twenty-five hundred dollars per annum, and all deputies not to exceed fifteen hundred dollars per annum.

Sec. 5273. Fees to be paid into State treasury.—All moneys collected by the department for special services, fees and penalties shall be paid into the State treasury, and credited to a fund known as the weights and measures fund, and available for the use of the department of weights and measures.

Sec. 5275 (1911). Rules, authority of commission to adopt and change; force of.—The commission shall prescribe and adopt such rules and regulations as it may deem necessary to carry out the provisions of this chapter, and it may change, modify or amend any or all rules whenever deemed necessary, and the rules so made shall have the force and effect of law.

Sec. 5276. Duties of the department; care of State standards; test other standards; to have general supervision of weights and measures, etc.; to keep record; annual report.—The department shall take charge of, keep and maintain in good order the standard of weights and measures of the State and submit them to the Bureau of Standards of Washington, D. C., for certification when it is deemed necessary; and shall keep a seal so formed as to impress the letters "MINN" and the date of sealing upon the weights and measures that are sealed; it shall test, correct and seal, when found to be accurate, at least once every year and as much oftener as may be necessary, all the copies of the standards used throughout the State for the purpose of testing the weighing or measuring apparatus used in the State, and keep a record thereof; it shall have general supervision of the weights, measures and weighing or measuring devices offered for

sale, sold or in use in the State; and shall, upon the written request of any person, test or calibrate weights, measures, weighing or measuring devices and instruments or apparatus used as standards in the State; it shall keep a complete record of the standards, balances and all testing and sealing apparatus owned by the State, and shall annually during the first fifteen (15) days of January, make a report of its actions to the governor of the State.

Sec. 5277. Authority of department; weights, measures, etc., may be condemned, seized, or destroyed, when.—The department or any of its employees shall have power to inspect and test all weights, scales, beams and measures of every kind, instruments and mechanical devices for measurement, and tools, appliances or accessories connected with any or all such instruments for measurement that are kept, offered or exposed for sale, or sold, or used or employed within this State by any person in determining the size, quantity, extent, area or measurement of quantities, things, produce, articles for distribution or consumption, offered or submitted by any person for sale, hire or reward; and it shall, at least once in each year, and as much oftener as may be deemed necessary, see that the weights, measures and all apparatus used in the State are correct. In the general performance of this duty the department, or any of its employees, may enter or go into and upon any stand, place, building or premises to stop any vendor, peddler, junk dealer, coal wagon, ice wagon, delivery wagon or any dealer whatsoever and require him, if necessary, to proceed to some place which the scaler [sealer] may specify for the purpose of making proper tests. Scales, weights, measures or weighing or measuring instruments that are found, upon inspection, to correspond with the standards in the possession of the department shall be sealed with proper devices to be approved by the commission. Any employee shall condemn, seize and destroy incorrect weights, measures or weighing or measuring devices which, in the judgment of the department can not be satisfactorily repaired, and such as are incorrect and yet may be repaired, shall be marked as "Condemned for repair," in the manner to be prescribed by the department. The owners or users of any scales, weights, measures or weighing or measuring instrument which have been so disposed of shall have the same repaired or corrected within thirty (30) days and the same shall not be used or disposed of in any way without the consent of the department.

Sec. 5278. False scale, weight, measures, etc., sale or use of; misdemeanor; penalty.—Any person who shall offer or expose for sale, sell or use, or have in his possession a false scale, weight or measure, or weighing or measuring device, or any weight or measure or weighing or measuring device which has not been sealed within one year, as provided by this law, or use the same in the buying or selling of any commodity or thing; or who shall dispose of any condemned weight, measure or weighing or measuring device, or remove any tag placed thereon by an authorized employee of the department, or shall sell or offer or expose for sale less than the quantity he represents; or sell or offer or expose for sale any such commodities in the manner contrary to law; or shall sell or offer for sale or have in his possession for the purpose of selling, any device or instrument to be used to, or calculated to, falsify any weight or measure,

or shall refuse to pay any fee charged for testing and sealing or condemning any scale, weight or measure, or weighing or measuring device, shall be guilty of a misdemeanor and shall, upon conviction, be fined a sum not less than twenty dollars ($20) nor more than one hundred dollars ($100) or by imprisonment for not less than ten (10) days nor more than ninety (90) days, and the costs of such proceedings. No scale, weight, measure, or weighing or measuring device that has been sealed by the department shall be used, sold or exposed for sale until the fee charged for the service has been paid.

Sec. 5279. Hindering or restricting any employee; misdemeanor; penalty.—Any person hindering, impeding or restricting in any way any employee of the department while in the performance of his official duty shall be guilty of a misdemeanor, and, upon conviction, be punished by a fine of not less than twenty dollars ($20) nor more than one hundred dollars ($100) or by imprisonment for not less than ten (10) days nor more than ninety (90) days for each offense.

Sec. 5280. Police power.—The said department and all authorized employees under the provisions of this act are hereby made special policemen and are authorized and empowered to arrest, without formal warrant, any violator of the statute in relation to weights and measures, and to seize for use as evidence and without formal warrant, any false weight, measure, or weighing or measuring device or package or kind of commodity found to be used, retained or offered or exposed for sale or sold in violation of law.

Sec. 5281. State and county treasurers to deliver standards to the department.—The State treasurer and the county treasurers of the various counties shall deliver to the department all standards of weights and measures, balances, testing apparatus and sealing equipment now in their possession within ninety (90) days after the passage of this act.

Sec. 5282 (a1915). No fees for annual inspection; cost of inspection at other times; fees for special service, etc.—No fee shall be charged for the regular annual inspection of scales, weights, measures and weighing or measuring devices. At all other times, the cost of the inspection shall be paid by the owner when the same is performed at his request; and when made at the request of some other person the cost shall be paid by the owner, if the scale, weight, measure and weighing or measuring device is found to be incorrect; otherwise by the person making the request. The commission shall have power to fix the fees and expenses for all special services. The sum of ten thousand dollars ($10,000), together with the sum in the weights and measures fund, is hereby appropriated for the payment of salaries of employees and expenses of said department for the fiscal year ending July 31st, 1915, and thirty thousand dollars ($30,000) annually for the fiscal years ending July 31st, 1916 and 1917, and the same or so much thereof as may be necessary, shall be allowed and paid by the State, upon the approval of a member of the railroad and warehouse commission, and the State auditor. All monies collected by the department for special services, fees and penalties shall be paid into the State treasury, and credited to the State revenue fund.

Sec. 5283 (1911). Definition.—The word "person" shall be construed to mean person or persons, corporation, partnership, stock company, or the agent or employee thereof.

Gen. Stats., 1923, ch. 50, p. 986.

Sec. 7021 (a1913). Dry measure.—The standard measure of capacity for commodities sold by dry measure, shall be the bushel containing 2,150.42 cubic inches. The half bushel, peck, half peck, quarter peck, quart and pint shall be derived by successively dividing that measure by two.

Sec. 7022. Liquid measure.—The standard measure of capacity for liquids, shall be the wine gallon, containing 231 cubic inches; and 31.50 gallons shall constitute a barrel, except for fermented malt liquors, which shall be a barrel of 31 gallons, and 63 gallons a hogshead.

Sec. 7023. Lineal measure.—The standard measure of length, from which all other measures of extension, lineal, superficial, or solid, shall be derived, is the yard, of 3 feet, or 36 inches.

Sec. 7024. Hundredweight.—In contracts for the sale of goods or commodities, the term "hundredweight" shall mean 100 pounds avoirdupois.

Sec. 7025. Standard weights of bushel.—In contracts for the sale of any of the following articles, the term "bushel" shall mean the number of pounds avoirdupois herein stated.[1]

	Pounds
Corn in ear	70
Beans (except lima beans, scarlet runner pole beans, and white runner pole beans, and broad Windsor beans)	60
Smooth peas	60
Wheat	60
Clover seed	60
Irish potatoes	60
Alfalfa	60
Broomcorn seed	57
Sorghum seed	57
Shelled corn (except sweet corn)	56
Rye	56
Lima beans	56
Flaxseed	56
Wrinkled peas	56
Sweet potatoes	55
Turnips	55
Onions	52
Rutabagas	52
Buckwheat	50
Hempseed	50
Rapeseed	50
Beets	50
Green apples	50
Walnuts	50
Rhubarb	50
Hickory nuts	50
Chestnuts	50
Tomatoes	50
Scarlet runner pole beans	50
White runner pole beans	50
Barley	48
Millet	48
Hungarian-grass seed	48
Sweet corn	48
Cucumbers	48
Peaches	48
Broad Windsor beans	47
Carrots	45
Timothy seed	45
Pears	45
Parsnips	42
Spelt or spilts	40
Cranberries	36
Oats	32
Bottom onion sets	32
Dried apples	28
Dried peaches	28
Top onion sets	28
Peanuts	22
Blue grass	14
Orchard grass	14
Red-top seed	14
Plastering hair, unwashed	8
Plastering hair, washed	4
Lime (but if sold by the barrel the weight shall be 200 pounds)	80

Sec. 7026 (1913). Standard measurement of wood.—In all contracts for sale of wood the term "cord" shall mean 128 cubic feet of wood, in four-foot lengths; and if the sale is of "sawed wood," a cord shall mean 110 cubic feet when ranked, or 160 cubic feet when thrown irregularly or loosely into a conveyance for delivery to the purchaser; and if the sale is of "sawed and split wood," a cord shall

[1] For convenience in printing a slight change has been made in arrangement of these articles.

mean 120 feet, when ranked, and 175 cubic feet when thrown irregularly and loosely into a conveyance for delivery.

Sec. 7027. Standard weight of coal, charcoal and ice.—In all contracts for the sale of coal, charcoal, and ice, the term "ton" shall mean 2,000 pounds. A sale of coal, charcoal and ice, except by weight, is hereby prohibited.

Sec. 7028. Standard weight of flour.—In all contracts for the sale of flour, the term "barrel" shall mean 196 net pounds avoirdupois.

Sec. 7029. Fractional parts.—All contracts for the sale of a fractional part of a bushel, barrel, ton or cord of any article or commodity on which the legal weight or measurement per bushel, barrel, ton or cord has been established, shall require and mean a like fractional part of the legal and established weight or measurement per bushel, barrel, ton or cord.

Sec. 7030. Penalty for violation.—Whoever, in buying, shall take any greater number of pounds or cubic feet to the bushel, barrel, ton or cord, as the case may be, than is herein allowed and provided, or in selling, shall give any less number, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars ($10) nor more than one hundred dollars ($100), or by imprisonment for not less than ten (10) days nor more than ninety (90) days in the county jail, and the cost of such proceeding.

Sec. 7031. Variations; duty of railroad and warehouse commission.—The railroad and warehouse commission shall establish uniform tolerances or reasonable variation to take care of unavoidable shrinkage, and of scale variations in handling and weighing of any of the articles mentioned in this act.

Gen. Stats., 1923, ch. 9, p. 146.

Sec. 1186 (a1909). Powers of council; markets; public scales.—The village council * * * shall have power to adopt, amend, or repeal all such ordinances, rules, and by-laws as it shall deem expedient for the following purposes: * * *

10. To establish and regulate markets, provide public scales, appoint a weighmaster, and restrain sales in the streets.

Sec. 1861 (1907). Inspectors of meters.—That in addition to the powers heretofore granted by law to the cities and villages in this State, which power shall not be limited or abridged by the provisions of this act, there is hereby granted to the council or governing board of any such city or village the power and authority to appoint inspectors of gas, electric light, heat and water meters.

Sec. 1862. Duties, etc.—Such inspector shall have power and authority to, at all reasonable hours, inspect and read any gas, electric light, heat or water meters, whether the same be connected with a plant owned by such municipality, or owned or operated by any person, corporation or association in said city or village. Such inspection may be made either under the direction of the council or governing board of any such city or village, or at the request of any private owner or patron of any such gas, electric light, heat or water plant, and such inspector—when requested or required so to do—shall report upon the condition of any such meter and in reference to such other matters concerning the same as shall be required of such inspector, that the term of office of such inspector

shall not be for a longer period than two years and that the said inspector's salary shall not exceed fifteen hundred dollars annually.

Sec. 1863. Salary.—The council or governing board of any such city or village shall have the power and authority to fix and determine the compensation to be paid to or received by such inspector, and his term of office.

Sec. 1921 (1905). Public wagon scales.—That any city containing not to exceed ten thousand inhabitants, or any village or borough in this State, is hereby authorized and empowered to maintain a public wagon scales therein as hereinafter provided.

Sec. 1922. Acquisition and maintenance.—The common council of any such municipality is hereby authorized and empowered to buy, establish and maintain public wagon scales in such municipality, and said council is hereby authorized and empowered to hire, buy and maintain scales already in use in said municipality, the same to be used and maintained as a public wagon scale in such municipality for the public use therein.

Sec. 1923. Rules and regulations; duty of weighmaster; compensation.—The common council of such municipality wherein such public scales are maintained shall have control of such scales and shall make such rules or regulations in regard to the maintenance and use of the same as they shall deem proper, and said council shall annually appoint a public weighmaster, whose duty it shall be to have charge of such scales and properly weigh all articles and commodities thereon as hereafter provided and give a statement in writing of the weight of such articles or commodities weighed thereon to the person applying to have such article weighed, and such statement shall be prima facie the correct weight of said articles or commodities, and the common council shall fix the compensation of said weighmaster, which compensation shall be paid out of the treasury of such municipality, and shall, from time to time, fix the price to be charged for weighing any article or commodity thereon, and the weighmaster shall collect such charge at the time of weighing such article or commodity, and he shall at the end of each month pay all moneys collected by him for such charge into the treasury of the municipality and file with the recorder of such municipality a statement of the amount of such money collected.

Sec. 1924. Scales to be tested; who may use.—Such scales shall be tested, stamped and sealed by the sealer of weights and measures, before being used, and as often thereafter as may be necessary. Any person either buying or selling any article or commodity by weight to be delivered in such municipality wherein such public scales are maintained may have the same weighed upon such public scales by paying the fee charged for weighing thereon.

Sec. 1925. Where not to apply.—*Provided*, That this act shall not apply to any city having a charter which provides for a city weighmaster.

Gen. Stats., 1923, ch. 21, p. 554.

Sec. 3792 (1921). When food is deemed to be misbranded.—The term "misbranded" as used herein shall apply to all articles of food, or articles which enter into the composition of food, the package or label

of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food product which is falsely branded as to the State, Territory or country in which it is manufactured or produced.

For the purposes of this act an article shall also be deemed to be misbranded—

In the case of food: * * *

Third. If in package form the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of net weight, measure or numerical count: *Provided, however,* That reasonable variations may be permitted, and tolerances and also exemptions as to small packages may be established, by rules and regulations made in accordance with the provisions of sections 15, 16 and 17 of this act [3804, 3805, and 3806]: *And provided further,* That the dairy and food commissioner shall have full authority to determine when food is in package form.

Gen. Stats., 1923, ch. 28, p. 659.

Sec. 4668 (1907). Inspection of track scales.—The railroad and warehouse commission shall have power to enforce reasonable regulations for the weighing of cars and of freight offered for shipment in carload lots. All track scales used by common carriers for the purpose of weighing carload freight shall be under the control and jurisdiction of the commission and subject to inspection, exempt from the jurisdiction of sealers of weights and measures. The entire cost of such supervision and inspection shall be a proper charge against the common carriers interested in or owning the several scales, the same to be paid upon a statement rendered by the commission. All moneys collected shall be credited to the grain inspection fund.

Sec. 4669 (1909). Sealing device for scales.—The railroad and warehouse commission, hereafter called the commission, is hereby authorized and directed to inspect all sealing devices made for the purpose of sealing scales known to be on the market, and to officially approve any device considered by the commission to be a proper and safe device to be used in the sealing of scales.

Sec. 4670. Sealing device, when required.—When directed to do so by the commission, any person or company owning and operating a scale under the jurisdiction of the commission is hereby required to install such scale with some sealing device which has the official approval of the commission.

Sec. 4671. Penalty for failing to install; for tampering with.—Any person or company failing within thirty days after notice to install such sealing device when directed to do so by the commission, shall be subject to a penalty in the sum of one hundred dollars. It shall be a felony for any person to change, break or tamper with, or cause to be changed, broken or tampered with, the sealing device or sealing thereof after the same has been properly installed and inspected by some authorized agent of the commission.

Sec. 4672 (1921). Railroad and warehouse commission may require scales installed.—After an investigation and hearing, upon its own motion, the railroad and warehouse commission is hereby authorized to require the installation of track scales at terminal warehouses

where it shall find such installation to be practicable and to be necessary for the prompt and economical weighing of grain and grain products at such warehouses, provided that the expense of such installation shall be borne by the owner of such warehouse.

Sec. 4673 (a1913). Track scales may be ordered by commission, and to be under its control.—The railroad and warehouse commission shall have power to order in and require the installation of track scales used by common carriers at all points in the State where the same are deemed to be necessary, and enforce reasonable regulations for the weighing of cars and of freight.

All track scales used by common carriers for the purpose of weighing carload freight shall be under the control and jurisdiction of the commission and subject to inspection, exempt from the jurisdiction of sealers of weights and measures. The entire cost of such supervision and inspection shall be a proper charge against the common carriers interested in or owning the several scales, the same to be paid upon a statement rendered by the commission. All moneys collected shall be credited to the grain inspection fund.

Sec. 4674. Carrier to move test car used by State free of charge.—Every carrier shall transport, move, and switch to any track scale in this State free of charge on the application of the commission or its authorized agent, any test car used by the State in testing track scales.

Sec. 4675 (1913). Test cars ordered purchased and master scale ordered located.—The railroad and warehouse commission, hereinafter called the commission, is hereby authorized to purchase two test cars, to be used in testing track scales, at a cost of not to exceed five thousand dollars each; also erect on some railroad track in or near Minneapolis, St. Paul, or Minnesota Transfer, where a permanent free site can be procured, a master track scale with a building for the same, to be used in testing and verifying the weights of test cars; scales and building not to cost to exceed seven thousand five hundred dollars.

Sec. 4676 (1923). Track scales to be installed.—The railroad and warehouse commission, hereinafter called the commission, is hereby authorized to purchase and install a two-section master railroad track scale, to be used in proving the correctness of railroad track scale test cars, the commission also is authorized to repair and extend the present master track scale house and railroad track, and to alter and repair its railroad track scale test cars, at a total cost for all such betterments of not to exceed twenty thousand dollars.

Sec. 4677. The commisison is hereby authorized to pay the cost of the foregoing betterments from the grain inspection fund.

Sec. 4678 (1911). Weighing coal; track scales; powers of commission.—The railroad and warehouse commission shall have power to enforce reasonable regulations for the weighing of cars of coal offered for shipments in carload lots in this State, except coal shipped by any person, company or corporation for their own use or consumption.

All track scales now or hereafter used by common carriers or by shippers of coal for the purpose of weighing carload lots of coal shall be under the control and jurisdiction of and subject to inspection by such commission, and such scales over which the said com-

mission assumes control and jurisdiction, shall be exempt from the jurisdiction of sealers of weights and measures.

Sec. 4679. Same; duty of commission.—Such commission shall cause to be weighed all coal shipped in carload lots from any coal dock or coal distributing point in the State of Minnesota, except coal shipped therefrom by any person, company or corporation for their own use or consumption.

Sec. 4680. Same; weighmasters and weighers.—The commission shall appoint such weighmasters and weighers as may be necessary to carry the provisions of this act into effect. Such weighmasters and weighers shall each give bond to the State of Minnesota in the sum of five thousand ($5,000) dollars, conditioned for the faithful discharge of his duty, and such weighmaster and weighers shall have authority to carry out and perform their duties hereunder, pursuant to such rules and regulations as shall be prescribed by such commission and shall pursuant thereto control and supervise the weighing of all coal herein required to be weighed by such commission.

Sec. 4681. Same; fees.—The fees for such weighing shall be fixed by the commission and shall be paid by the person, firm or corporation making such shipment.

Sec. 4682. Same; other sections applicable.—All of the provisions of sections numbered 5047–5052, 5054, 5057, 5058, 5060, and all acts and parts of acts amendatory thereof and supplementary thereto, as relating to grain, shall be construed as a part of this act and as relating to coal and coal shipments in carload lots, required to be weighed in accordance with the provisions of this act, so far as applicable hereto.

Sec. 4683 (1913). Stock scales in stock yards; powers of commission.—The railroad and warehouse commission shall have the power to order in and require the installation and maintenance of stock scales at all stock yards in the State where the same are deemed to be necessary, and to fix the capacity of said scales, which said scales shall be for the free use of all patrons of such stockyards, shipping livestock from, into or through such stockyards.

Sec. 4684. Private scales prohibited.—All railroad companies maintaining stockyards at railroad stations within this State shall within ninety (90) days after the passage of this act and thereafter prohibit the installation or maintenance of scales of any kind belonging to any person, corporation or firm other than railroad companies as provided in section one [4683] of this act, and the installation, use and maintenance of such private scales in such stockyards is hereby prohibited.

Sec. 4685 (1919). Appointment of weighers; bond.—The railroad and warehouse commission shall appoint at public stockyards such weighers as may be necessary for the purpose of weighing livestock. Every such weigher shall give to the State a bond in the sum of five thousand dollars ($5,000) conditioned for the faithful discharge of his duty.

Sec. 4686. Reports; certificates.—Such weighers shall report daily to the supervisor of stockyards all weights taken by them in such form as he may prescribe. The supervisor of stockyards shall furnish to interested parties a certificate setting forth the number of

animals weighed, for whose account weighed, and the actual weight of such animal or animals. Such certificate shall be prima facie evidence of the facts therein certified.

Sec. 4687 (a1921). Fees; where deposited.—The commission shall prescribe the fee necessary to cover the cost of supervision and weighing to be assessed and collected in such manner as the commission may prescribe. All moneys so collected shall be deposited in the State treasury and known as the "livestock weighing fund," and paid out only on order of the commission and the auditor's warrant. The interest from such deposits of said moneys shall be credited on the 1st day of each month of such fund, and notice of the amount of such interest shall be sent to the commission.

Sec. 4688 (1919). Weighers' qualifications.—No such weigher shall during his term of service be in any manner interested in the handling, shipping, purchasing or selling of live stock, nor in the employment of any person or corporation engaged therein, nor shall he be a member of any live stock exchange or organization of like character.

Sec. 4690. Appointment may be revoked.—Upon written complaint filed with the commission, charging any such weigher with official misconduct, inefficiency, incompetency, or neglect of duty, the commission shall investigate such charge, and if it be sustained, shall remove such officer.

Sec. 4691. Penalty.—Any person not duly appointed and qualified, who shall assume to act as such weigher, shall be guilty of misdemeanor and be punished by a fine of not less than fifty dollars nor more than one hundred dollars.

Sec. 4692. False weights or certificates; penalties.—Any weigher who shall knowingly or carelessly weigh any live stock improperly, or give any false certificates of weight, or accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty, or who shall be guilty of any neglect of duty, and any person who shall improperly influence, or attempt to influence, any such officer in the performance of his official duty, shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or by both such fine and imprisonment.

Sec. 4693. Terms prohibited.—Any person who is not connected with the State weighing department is hereby prohibited from using the term "supervisor of weights" or "State weigher," any representation of the seal of the State, or any other words or device calculated or tending to indicate that the certificate or receipt is issued under State authority, or to otherwise deceive or mislead the public or any person interested, when issuing certificates or receipts purporting to show the weight of live stock.

Any person found guilty of violating any of the provisions of this section shall be guilty of a misdemeanor.

Sec. 4694. Interference with supervisor or weigher.—Any person or corporation who shall obstruct any State supervisor or weigher in the performance of his official duties by preventing his proper access to the scales used in the weighing of live stock or otherwise, shall forfeit to the State one hundred dollars for each offense.

Sec. 5028 (a1923). Inspection of scales.—All scales in such terminal warehouses, or used for weighing grain in railroad yards at terminal points, shall be under the control of the State weighmasters and subject to inspection by them, exempt from the jurisdiction of sealers of weights and measures. They shall be inspected at the request of any person interested in any grain weighed or to be weighed thereon. If found incorrect, the cost of inspection shall be paid by the owner thereof; otherwise by the person requesting inspection. No scales found incorrect shall be used until reexamined and found correct.

Sec. 5045 (1895). Weighmasters and weighers.—The commission shall appoint at each terminal point a State weighmaster and such weighers as may be necessary, who shall have the control of the weighing of all grain subject to State inspection, except when otherwise ordered by the party shipping the same. Every such weighmaster and weigher shall give bond to the State in the sum of five thousand dollars, conditioned for the faithful discharge of his duty.

Sec. 5046. Weighmaster's records and certificates.—All weighmasters and weighers shall keep such records as may be prescribed by the commission, and shall furnish to any person for whom weighing is done a certificate under his hand, showing the amount of each weight, the number and initial letter or other distinctive mark of each car weighed, place and date of weighing, and contents of car. Such certificate shall be prima facie evidence of the facts therein certified.

Sec. 5047. Fees.—The fees for inspection and weighing shall be fixed by the commission, and shall be a lien upon the grain. If the grain is in transit, such fees shall be paid by the carrier and treated as advance charges, and, if received for storage, by the warehouseman, and added to the storage charges. * * *

Sec. 5048 (1907). Qualifications of inspectors and weighmasters.—No member of a board of appeals, chief or deputy inspector, weighmaster, or weigher shall during his term of service be in any way interested in the handling, storing, shipping, purchasing or selling of grain, or any of its products, nor in the employment of any person or corporation engaged therein, nor shall he be a member of any board of trade or organization of like character.

Sec. 5050. Removal of inspectors and weighmasters.—Upon written complaint filed with the commission, charging any inspector, deputy inspector, weighmaster, or weigher with official misconduct, inefficiency, incompetency, or neglect of duty, the commission shall investigate such charge, and, if it be sustained, shall remove such officer.

Sec. 5051. Penalties; personating inspector.—Any person not duly appointed and qualified, who shall assume to act as a State inspector or deputy inspector of grain, shall be guilty of a misdemeanor and be punished by a fine of not less than fifty dollars nor more than one hundred dollars.

Sec. 5052. Misconduct of inspectors and weighmasters.—Any inspector or deputy inspector, weighmaster or weigher, who shall knowingly or carelessly inspect or weigh any grain improperly, or give any false certificate of inspection or weight, or accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty, or who shall be guilty of any neglect of

duty, and any person who shall improperly influence, or attempt to influence, any such officer in the performance of his official duty, shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or by both such fine and imprisonment.

Sec. 5053. Certificates not issued under State authority; use of certain words prohibited.—Any person who is not connected with the State weighing department is hereby prohibited from using the term "weighmaster," "State weighmaster," any representation of the seal of the State, or any other words or device calculated or tending to indicate that the certificate or receipt is issued under State authority, or to otherwise deceive or mislead the public or any person interested, when issuing certificates or receipts purporting to show the weight of grain, hay or straw: *Provided*, That where weighing is done under the authority of the charter or an ordinance of any city or village, or under the auspices of any incorporated chamber of commerce, board of trade or exchange, any certificate or receipt issued therefor shall on its face plainly show its source and the signature of the person signing the same shall be followed by a designation plainly showing the capacity in which the said signer is acting, and the term "weighmaster" may be a part of such designation: *Provided, further*, That every such certificate or receipt issued by anyone other than the duly authorized representatives of the State weighing department, shall have plainly stamped or printed across its face in red ink in letters not less than one-quarter of an inch high, the words, "This Certificate is Not Issued Under State Authority."

Sec. 5054. Same; penalty for violation.—Any person found guilty of violating section 1 [section 5053] of this act shall be guilty of a misdemeanor.

Sec. 5055. Obstructing weighmaster.—Any person or corporation who shall obstruct any State weighmaster or weigher in the performance of his official duties, by preventing his proper access to the scales used in the weighing of grain or otherwise, shall forfeit to the State one hundred dollars for each offence.

Sec. 5066 (1923). Warehouseman shall keep record.—Every public local grain warehouseman shall keep in proper books a record of all grain received, stored or shipped, stating the weight, grade, dockage for dirt or other cause, and the name of the owner.

Sec. 5067. Standard weights to be used.—No person purchasing, selling, or storing grain in any public local grain warehouse in this State, as the same is now or may be hereafter defined by law, shall use any other measure for such grain than the standard bushel, and no other number of pounds shall be used or called a bushel than the number of pounds provided by law as the standard weight of the kind of grain in question: *Provided, however*, That during the months of October and November not exceeding eighty pounds and during the months of December and January not exceeding seventy-two pounds may be so used as the standard bushel of new ear corn.

Sec. 5093 (1909). Inspection and weighmaster's certificates.—Every elevator company, corporation, copartnership, association, or individual, operating any elevator, building, or place in this State for

the purchase, storage or deposit of any grain or other farm commodity, shall be entitled to receive from, and shall demand of, the officer whose duty it is to issue the same, the official certificate of inspection in duplicate, together with the weighmaster's certificate in duplicate for any grain or other farm commodity shipped from any such elevator, building or place and inspected and weighed as provided by the laws of this State.

Sec. 5106, as amended by Laws, 1925, ch. 177, p. 172. Live-stock scales.—Any person, firm or corporation shall have the right to use as a site for a public elevator, warehouse, coal shed, ice house, buying station, selling station, or weighing scales or other instrumentalities for weighing livestock, or use ground space, for receiving, storing or distributing any article of commerce, transported or to be transported, a proper portion of the right of way of any railroad within the outside switches at any station or siding upon the payment of reasonable compensation therefor.

Sec. 5107, as amended by Laws, 1925, ch. 177, p. 172. Procurement of site.—Any such person, firm or corporation desiring to construct, operate or use a public elevator, warehouse, coal shed, ice house, buying station, selling station, or weighing scales or other instrumentalities for weighing livestock, or use ground space for receiving, storing or distributing any article of commerce transported or to be transported, or to continue the use and operation of any such buildings, structures, instrumentalities or ground space where the same are already constructed or used, upon such right of way of any railroad, if unable to agree with the person, firm or corporation operating such railroad upon the site for such buildings, structures, instrumentalities and ground space, or the compensation to be paid therefor, may file a verified complaint with the railroad and warehouse commission setting forth the facts and requesting the commission to establish the location of the site for such buildings, structure, instrumentalities and ground space or the compensation to be paid therefor, or both, as the case may be. Such complaint shall be served upon such railroad company and twenty days, exclusive of the day of such service, shall be allowed for answer. After the time for answering has expired the commission shall fix the time and place for hearing and give at least ten days' notice thereof to both parties.

Sec. 5210 (1905). Terminal points; weighing and inspection of hay, etc.—Terminal points as designated by this act shall mean the cities of St. Paul, Minneapolis, Duluth and South St. Paul.

Sec. 5211. Public hay tracks.—The railroad and warehouse commission, hereinafter designated " the commission," shall designate at convenient places, on the several lines of railway entering terminal points in this State, tracks to be known as public hay tracks. The different railway companies either separately or jointly are hereby required to provide suitable tracks to meet the requirements of this act. Such public hay tracks may be established on each individual line of railway, or they may be so established as to serve for two or more railways.

Sec. 5212. Delivery at tracks.—All hay and straw shipped to terminal points unless otherwise directed by the consignor shall, by the common carrier transporting the same, be brought to and delivered at one or another of such public hay tracks, for the purpose of being weighed and inspected as hereinafter provided.

Sec. 5213 (a1911). Weighing; weighing empty, no charge for.—All hay and straw so received shall be weighed and inspected by duly appointed weighers and inspectors of hay and straw under such rules and regulations as the commission shall establish.

All carriers shall return, free of switching charge for weighing empty, all cars not reconsigned that have been weighed loaded with hay or straw, to the scale on which the same was weighed, or some other scale under the charge of the State, used for weighing hay and straw. Weight on reconsigned cars may be had by the use of the weight of the loaded car and the marked stencilled weight on the car. Any carrier failing to comply with any of the provisions of this act shall be subjected to a penalty of twenty-five dollars ($25) to be recovered by the aggrieved shipper.

Sec. 5214 (1905). Track scales; control of State weighmasters.—It shall be the duty of all common carriers transporting hay to such terminal points to construct and maintain at such public hay tracks as may be established by the commission, suitable track scales of such size and capacity as the commission shall direct. If in its judgment it is necessary, the commission may order that such track scales be housed in such a manner as to insure accuracy. All scales at such hay tracks shall be under the control of State weighmasters and subject to inspection by them, exempt from the jurisdiction of sealers of weights and measures. They shall be inspected at the request of any person interested in any hay or straw to be weighed thereon. If found incorrect the cost of inspection shall be paid by the owner thereof; otherwise by the person requesting inspection. No scales found incorrect shall be used until re-examined and found correct: *Provided*, That nothing in this act shall be so construed as to prevent the use of such scales by the owner for the purpose of weighing any other commodities in carload lots.

Sec. 5215. Appointment of weighers and inspectors; reinspecting; board of final review.—The commission shall appoint a suitable number of persons to perform such weighing and inspecting of hay and straw. Such weighers and inspectors shall be under the immediate supervision of the chief inspector of grain. In case of dissatisfaction of any interested person with the official acts of any inspector reinspecting may be had upon application to the aforesaid chief inspector of grain or either of his chief deputies. A final appeal from the decision of said chief inspector of grain or his deputy inspectors may be made to the board of final review, to be provided for by the commission under the rules it shall establish. The decision of such board of review shall be final, provided the commission may provide suitable rules for the cancellation of any certificate of inspection issued upon original inspection; reinspecting or upon final review when it appears that owing to the manner in which cars of hay or straw were loaded it was impossible for the inspector to obtain a fair sample.

Sec. 5216. Rules and regulations.—The commission shall adopt all necessary rules and regulations for the weighing and inspecting of hay and straw at such terminal points.

Sec. 5217. Penalty for interfering with weighers or inspectors.—In case any person or railway corporation or any of their agents or employes shall refuse or prevent the aforesaid weighers and inspectors

of hay and straw from having free access to their scales and tracks in the regular performance of their duties as such weighers or inspectors of hay and straw, they shall forfeit to the State of Minnesota the sum of one hundred dollars for each offense, such penalty or forfeiture to be paid to the State treasurer for the benefit of the hay inspection fund hereinafter created, and shall also be required to pay all costs of prosecution. * * *

Sec. 5218. Removal of weighers.—The chief inspector of grain shall have the power to remove any of said weighers or inspectors of hay and straw at pleasure.

Sec. 5219. Fee; compensation.—Such weighers and inspectors of hay and straw shall be governed in the performance of their duties by such rules and regulations as may be provided by the commission; the commission shall have power to fix the rate of charges for the weighing and inspecting of hay and straw and the manner in which the same shall be collected, which charges shall be regulated in such manner as will in the judgment of the commission produce sufficient revenue to meet the necessary expenses of the weighing and inspecting service, and no more; the commission shall fix the amount of compensation to be paid to the weighers and inspectors of hay and straw and prescribe the time and manner of payment thereof, which compensation shall be paid out of a hay inspection fund, hereinafter created, on the order of the commission.

Sec. 5220. Disqualifications.—No weigher nor inspector of hay or straw nor any of the sureties on their bond, or bonds as the case may be, shall during his term of service be in any way interested in the handling, storing, shipping, purchasing or selling of hay or straw, or any of their products, nor in the employment of any person or corporation engaged therein, nor shall they be members of any board of trade or organization of like character.

Sec. 5221. Removal of weighers.—Upon complaint in writing of any person to the commission, supported by reasonable and satisfactory proof that any weigher or inspector of hay and straw has violated any of the rules prescribed for his government, or has been guilty of any improper official act, or has been found inefficient or incompetent for the duties of this position, such person shall be by the commission immediately removed from office.

Sec. 5222. Penalty for impersonation.—Any person not duly appointed and qualified, who shall assume to act as a weigher or inspector of hay and straw, shall be guilty of a misdemeanor and be punished by a fine of not less than fifty nor more than one hundred dollars.

Sec. 5223. Penalty for neglect and bribery.—Any duly authorized weigher or inspector of hay and straw who shall be guilty of any neglect of duty or who shall knowingly or carelessly weigh or inspect any hay or straw improperly, or who shall accept any money or other consideration, directly or indirectly, for any neglect of duty or any improper performance of duty as such weigher or inspector of hay and straw, or any person who shall improperly influence or attempt to influence any weigher or inspector of hay and straw in the performance of his duties as such weigher or inspector, as the case may be, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than one hundred dollars nor more than one thousand dollars or shall be imprisoned in the county jail not

less than thirty days nor more than one year, or both, in the discretion of the court.

Sec. 5227. Weighers to keep record.—All weighers of hay and straw provided for by this act shall be required to make true weights under the penalties hereinbefore provided, and in addition thereto shall keep a correct record of all weighing done by them at the hay tracks where they are stationed, in which record shall be entered an accurate account of all hay, straw, or other property weighed, or the weighing of which was supervised by them or their assistants, giving the amount of each weight, the number of the car or cars weighed, if any, the initial letter of said car or cars weighed, where weighed, date of weighing and contents of car.

Sec. 5228. Certificates.—Said weighers and inspectors of hay and straw shall give upon request of any person interested certificates under their hand and seal showing the amount of each weight, or if inspected, the grade, number of car or cars weighed or inspected, if any, the initial of said car or cars, hay yard where weighed or inspected, date of weighing or inspecting and contents of car: *Provided*, That such certificate of weights shall be admitted in all actions either at law or in equity as prima facie evidence of the facts therein contained, and as prima facie evidence that any contract of sale and purchase of such hay was made upon such weights and grades, but the effect of such evidence may be rebutted by other competent testimony.

Sec. 5230. Supervision.—It shall be the duty of the commission to assume and exercise a constant supervision over the hay and straw interests of this State; to supervise the handling, weighing, inspecting and storage of hay and straw; to establish all necessary rules and regulations for the weighing, grading, inspecting and reinspecting of hay and straw, and for the management of all public hay tracks at terminal points in this State as far as such rules and regulations may be necessary to enforce the provisions of this act, or any law in this State in regard to the same; to investigate all complaints of fraud or oppression in the hay and straw trade, and to correct the same as far as may be in their power.

Sec. 5263 (1919). Weight of hay and corn.—It shall be unlawful for any public stockyards operator to sell and deliver at the rate of less than two thousand pounds for a ton of hay or any part thereof, or to sell and deliver less than seventy pounds [2] of corn in the ear for a bushel or less than fifty-six pounds of shelled corn for a bushel.

Gen. Stats., 1923, ch. 21, p. 554.

Sec. 3815 (1921). Standard measure for milk and cream.—All milk or cream received or purchased for the purpose of manufacturing the same into butter or cheese, or condensing or drying the same, shall be received or purchased by weight, and payment therefor shall be upon the basis of the butter fat contained therein. The standard pipette for measurement of milk shall have a capacity of seventeen and six-tenths cubic centimeters and the standard for the measurement of cream shall be eighteen grams by weight. The standard test tube or bottle for testing milk shall have a capacity between zero and

[2] See also sec. 5067.

ten on the graduated scale, marked on the neck thereof, of two cubic centimeters of mercury, at a temperature of 60 degrees Fahrenheit, and the standard test tube or bottle for testing cream shall have a capacity of six cubic centimeters of mercury, at the same temperature, between zero and thirty on the scale. Any person who shall use any other measuring pipette, test tube or bottle for measuring or testing milk or cream sold or purchased at prices determined by the portion of butterfat contained therein; any person who shall manufacture or sell a cream or milk pipette, test tube or bottle which is not correctly marked or graduated as herein provided; any person who shall use or employ any other appliance than the Babcock test for ascertaining the butterfat content of milk or cream; any person who shall underread, overread, or otherwise falsify or manipulate the reading of such test, or who shall falsely state, certify or use in the purchase or sale of milk or cream a misreading of such test, whether the test or actual reading shall have been made by such person or by any other person, shall be deemed guilty of a misdemeanor.

Sec. 3875 (1919). Feeding stuffs, net weight to be shown.—Any person, company, corporation or agent who shall sell, offer, or expose for sale or distribution in this State, any concentrated commercial feeding stuffs shall affix, or cause to be affixed, to every package or sample of such concentrated commercial feeding stuffs, in a conspicuous place on the outside thereof, a tag or label which shall be accepted as a guarantee of the manufacturer, importer, dealer, or agent, and which shall have plainly printed thereon in the English language, the number of net pounds of concentrated commercial feeding stuffs in the package, the name, brand or trade-mark under which the concentrated commercial feeding stuffs are sold, the name of the manufacturer, the location of the principal office of the manufacturer, * * *

Sec. 3896 (1915). Commercial fertilizers; weight to be marked.—That any person, firm or corporation who shall offer, sell or expose for sale, in the State of Minnesota, any commercial fertilizer the price of which exceeds five dollars ($5) per ton, shall affix to every package, in a conspicuous place on the outside thereof, or furnish to the purchasers of goods sold in bulk, a plainly printed certificate, naming the materials, including the filler, if any, of which the fertilizer is made, stating the number of pounds in the package sold, the name or trade-mark under which the article is sold, the name of the manufacturer and the place of manufacture; * * *

Gen. Stats., 1923, ch. 21A, p. 573.

Sec. 3966 (1913). Construction of term "cotton duck."—That for the purpose of this act cotton duck or canvas shall be deemed to include all cotton duck or canvas, whether single filling, double filling, army roll or wide duck.

Sec. 3967. What shall constitute one yard.—That for the purposes of this act, the equivalent of thirty-six (36) inches in length by twenty-nine (29) inches in width, or seven and one-fourth (7¼) square feet of cotton duck or canvas shall constitute a yard, and an ounce shall be one-sixteenth part of a pound avoirdupois.

Sec. 3968. Correct weight and contents to be branded on article sold.—Any person, company or corporation who shall manufacture for sale

or who may offer or expose for sale any cotton duck or canvas or any article other than clothing and wearing apparel composed or made in whole or in part of cotton duck or canvas, shall distinctly and durably stamp, brand or mark thereon the true and correct weight of such cotton duck or canvas, by ounces per yard, together with a description by name of any filler or other preparation placed in or on said cotton duck or canvas since its manufacture.

Sec. 3969. Unlawful to sell same unless branded as above.—It shall be unlawful for any person or corporation either individually or in any representative capacity, to carry for sale, sell or endeavor to sell any cotton duck or canvas as herein defined, or any articles other than clothing and wearing apparel, composed or made in whole or in part of any cotton duck or canvas without having marked thereon the true and correct weight of said canvas or cotton duck by ounces per yard, together with a description by name of any filler or other preparation placed in or on said cotton duck or canvas since its manufacture, or to misstate, misrepresent or conceal the true weight of said canvas or cotton duck by ounces per yard, or to misstate, misrepresent or conceal the existence of any filler or other preparation placed in or on said cotton duck or canvas since its manufacture.

Sec. 3970. Concealing or misstating correct size unlawful.—It shall be unlawful for any person or corporation either individually or in representative capacity, selling, carrying for sale or endeavoring to sell any awnings, paulins, wagon covers, tents, grain and hay covers, stable or tent tops, to misstate or misrepresent or conceal the true and correct size and dimensions thereof.

Sec. 3971. Unlawful to deface mark.—It shall be unlawful for any person to deface, mutilate, obscure, conceal, efface, cancel or remove any mark provided for by this act, or cause or permit the same to be done with intent to mislead, deceive or to violate any of the provisions of this act.

Sec. 3972. Penalty for violation.—Any person, company or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall for the first offense be punished by a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) and for each subsequent offense by a fine of not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00).

Gen. Stats., 1923, ch. 101, p. 1413.

Sec. 10401°. Use of false weights a misdemeanor.—Every person who shall injure or defraud another by using, with knowledge that the same is false, a false weight, measure, or other apparatus for determining the quantity of any commodity or article of merchandise, or by knowingly delivering less than the quantity he represents; or who shall retain in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it, or permit it to be used in violation of the foregoing provisions of this section; or who shall knowingly mark or stamp false or short weights or false tare on any cask or package, or knowingly sell or offer for sale any cask or package so marked—shall be guilty of a misdemeanor.

Sec. 10402 (1913). Containers for small fruits to be of legal size.—It shall be unlawful for any person to sell, offer for sale, or give away, any containers for the distribution of berries or small fruits in less quantities than one bushel, unless said containers are of the capacity of one quart, one pint, or one-half pint, or multiples of a quart standard dry measure, and all sales of raspberries, blackberries, blueberries, currants, gooseberries, strawberries, and similar berries, and all plums, cherries and similar small fruit, in less quantities than one bushel shall be by dry measure, or in containers as above specified. The possession of containers for berries or small fruit shall be presumptive evidence that they were to be used for distribution.

Sec. 10403. Not to be refilled; violation a misdemeanor.—In no case shall said containers be refilled for use in the sale of berries or small fruits of any kind whatsoever.

Sec. 10404. Penalty.—Any person violating the provisions of this law shall be guilty of a misdemeanor and punished by a penalty of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than ninety days.

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Hemingway's Ann. Code, 1917, ch. 72, p. 1605.

Sec. 3346 (1914). That the standards of the weights and measures of this State as given below shall be deposited with the secretary of state and also at the different State institutions of learning, and the secretary of state and the proctors of those institutions are authorized to confirm and seal all weights and measures brought to them, and to receive the fees therefor. And on all sales by weight of the agricultural products hereinafter named the number of pounds per bushel or the number of pounds per gallon as stated in the following schedule shall be the true and legal standard weight, viz:[1]

	Pounds
Wheat, per bushel	60
Corn, in the ear [2]	72
Corn, shelled, per bushel	56
Rye, per bushel	56
Buckwheat, per bushel	48
Barley, per bushel	48
Oats, per bushel	32
Peas, per bushel	60
White beans, per bushel	60
Castor beans, per bushel	46
Irish potatoes, per bushel	60
Sweet potatoes, per bushel	54
Onions, per bushel	57
Turnips, per bushel	55
Dried peaches, per bushel	33
Dried apples, per bushel	26
Clover seed, per bushel	60
Flax seed, per bushel	56
Millet seed, per bushel	50
Hungarian grass seed, per bushel	50
Timothy seed, per bushel	45
Blue grass seed, per bushel	14
Hemp seed, per bushel	44
Salt, per bushel	50
Corn meal, per bushel	48
Ground peas, per bushel	24
Malt, per bushel	38
Bran, per bushel	20
Stone coal, per bushel	80
Lime, unslacked, per bushel	80
Sorghum seed, per bushel	42
Corn meal, bolted, per bushel	44
Corn meal, unbolted, per bushel	48
Flour, in barrels, per barrel, net	196
Flour, in half barrels, net	98
Flour, in one-fourth barrel sacks, net	48
Flour, in one-eighth barrel sacks, net	24
Meal, in barrels, net	200
Sorghum, per gallon	11
Louisiana cane molasses, per gallon	11
Cotton seed [3]	32

Sec. 3347. Penalty for using short weights or measures.—That it is hereby made a misdemeanor for any person or corporation to sell or buy any of the foregoing commodities on short weights in violation of the above schedule of rates and any such person or corporation upon conviction shall be punished by a fine of not less than five nor more than fifty dollars.

Sec. 3348°. Contracts.—All contracts for work or labor done, or anything to be sold and delivered, will be construed to have been made according to the standards, unless the parties stipulate to the contrary.

Sec. 3349. Standard for counties and cities.—The board of supervisors of every county, and the mayor and board of aldermen of every city, may procure the standards of weights and measures, duly

[1] For convenience in printing a slight change has been made in arrangement of these articles.
[2] See Laws, 1923, ch. 114, p. 108, infra.
[3] See sec. 3352.

sealed by the secretary of state or some proctor, and consisting of one weight of fifty pounds, one of twenty-five pounds, one of fourteen pounds and one of seven pounds; two of four pounds, two of two pounds, and two of one pound, avoirdupois; one measure of one yard, and one of one foot, cloth measure; one measure of half a bushel, one of one peck, and one of one-half peck, dry measure; one measure of one gallon, one of a half gallon, one of one quart, one of one pint, and one of one gill, wine measure.

Sec. 3350. Inspector of provisions to be keeper of standards; sealing and fees.—The inspector of provisions appointed for the county or city shall be the keeper of the standards of weights and measures, and shall seal by such standards all measures brought to him; but if there be no such officer, the clerk of the circuit court and the clerk of the city shall be respectively keepers of the standards for the county and city, and shall seal weights and measures brought to them, and receive the fees allowed.

Sec. 3351. Stamps for sealing measures.—The boards of supervisors and mayors and boards of aldermen shall respectively provide the proper stamps or brands with which to seal weights and measures.

Sec. 3352. Cotton seed.—Unless otherwise agreed upon, a bushel of cotton-seed shall be thirty-two pounds avoirdupois.

Sec. 3353 (1908). Coal, ton of; box or barrel of.—The standard weight of coal shall and is hereby established at two thousand (2,000) pounds to the ton, or two hundred (200) pounds to the box or barrel, and unless otherwise agreed upon, coal shall be sold by the ton of two thousand pounds, or the box or barrel of two hundred pounds.

Sec. 3354°. Measures of charcoal.—Unless otherwise agreed upon, charcoal shall be sold by measure, and the measure of charcoal shall be a barrel of the capacity of three and one-quarter bushels.

Sec. 3355. Measure of saw logs, etc.—The table known as "Scribner's lumber and log book by Doyle's rule" is the standard rule of measurement by which sawlogs and square timber shall be measured. The use of any other rule of measurement is unlawful; and any person who shall use any other rule which gives a less number of feet in a given log, shall be guilty of a misdemeanor, and punished accordingly, and be liable to any person injured for triple damages.

Sec. 3356. Dealers to have none but sealed measures.—When the county or city is supplied with the standards of weights and measures, every dealer therein shall have none but sealed weights and measures, and the weights shall be so sealed as that the removal of any part of the filling will destroy or deface the seal; and every dealer having, in such case, any weight or measure which has not been duly sealed, shall be guilty of a misdemeanor, and shall, moreover, forfeit ten dollars for every day he may have any unsealed weight or measure.

Sec. 3357. Selling by false weights or measures.—If any person shall sell anything by any false weight or measure, whereby another shall be cheated; or if any person shall sell any light-weight loaf or package, calling the same a pound or other quantity, or if any person shall sell any under-capacity bottle or other vessel, calling it a pint, quart, or other quantity, he shall be guilty of a misdemeanor and fined not less than ten dollars, and imprisoned not less than ten days.

Sec. 3358. Food packages to be labeled.—The correct name and the true net weight of the contents of each and every hogshead, barrel, box, cask, bale, sack or package of flour, corn meal, cotton-seed meal and of any and all other kinds of feeding stuff made from cereals of any kind, whether pure, mixed or adulterated, and whether sold in single packages or lots, shall be plainly marked, branded or stenciled in large, legible letters and figures, upon the exterior of such hogsheads, barrel, box, cask, bale or package, and it shall be unlawful for any person, firm or corporation or the agent, employe or representative of any person, firm or corporation to sell or exchange or offer for sale or exchange any of such mill products, so packed or contained, until the provisions hereof have been complied with.

Sec. 3360. Penalty.—If any person shall violate the provisions of the two preceding sections [Sections 3358 and 3359] he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in the sum of not less than twenty-five dollars nor more than one hundred dollars.

Hemingway's Ann. Code, 1917, ch. 107, p. 2199.

Sec. 4658°. Inspectors liable as other officers.—Every inspector of foods shall be liable, civilly and criminally, as other officers are, for fraud and any malfeasance or misfeasance in office, and shall be liable on his bond for the safe-keeping and accounting for the standards of weights and measures.

Sec. 4663. Underweight barrels of flour, meal, pork and beef forfeited.—If any person shall sell, keep, or offer for sale, any barrel of flour, meal, pork, or beef, as a barrel thereof, containing less than the standard weight net, he shall forfeit to the county all of such underweight flour, meal, pork, or beef which he may have in his possession.

Sec. 4669 (1910). Articles deemed mislabeled.—That for the purpose of this act an article shall be deemed to be mislabeled or misbranded:

If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Hemingway's Ann. Code, 1917, ch. 138, p. 2471.

Sec. 5681°. Millers to keep sealed measures and toll dishes.—Every owner or occupier of a mill grinding for toll shall keep and use therein sealed measures of half-bushel and peck, and a sealed toll dish, and shall measure all grain by strike measure, under penalty of paying five dollars for every such failure, recoverable, with costs, before a justice of the peace, to the use of the informer; but this shall not apply to plantation mills.

Hemingway's Ann. Code, 1917, ch. 144, p. 2501.

Sec. 5812°. Powers, how exercised.—The powers hereby granted shall be exercised by the mayor and board of aldermen of the respective cities, towns, and villages, as hereinafter set forth.

Sec. 5813. Powers of mayor and board of aldermen.—The mayor and board of aldermen of every city, town, and village shall have the care,

management, and control of the city, town, or village, and its property and finances, and shall have the power to enact ordinances for the purposes hereinafter named, and such as are not repugnant to the laws of the State, and such ordinances to alter, modify, and repeal; and they shall have power.

Sec. 5822. Weighing, measuring and inspecting.—(Ninth) To prescribe rules for the weighing and measurement of every commodity sold in the municipality, in all cases not otherwise provided by law, and provide for the measuring of wood and fuel and the weighing of coal, and determine the place or places for the sale of the same, and fix the fees and duties of the person authorized to perform the duties herein named; and to provide for the inspection and condemnation of coal-oil, gasoline, naphtha, and all other inflammable and combustible oils, fluids, or gases used for heating or lighting purposes, when the same shall not be of the quality and standard prescribed by ordinance.

Sec. 5850. May test water, electric light and gas meters.—If, upon complaint of any citizen or citizens interested, the board of mayor and aldermen of any municipality finds that there is reasonable ground for believing that any meter or meters intended to measure or register the quantity of water, or electric light or power, or gas supplied or furnished by any individual, company or corporation to the municipality or its inhabitants is or are of a less candle power or degree of brilliancy than required by contract, said mayor and board of aldermen may employ an expert, who shall examine and test said meter or meters and said light or lights, as the case may be, and report back to said board, notice of the time and place of the proposed test or tests being first given to all parties interested; and if such examination or test shall show the fact that said meter or meters measure or register incorrectly or excessively, or that said light or lights are of a less candle power or brilliancy than required by contract, then all expenses of such examination and test incurred by said municipal authorities shall be charged against and collected back from said individual, company or corporation supplying or furnishing said water, electric light or power, or gas, as the case may be, and such penalties may be imposed as the municipal ordinances may provide. This section shall apply to all municipalities whether the same have elected to come under this chapter or not.

Hemingway's Ann. Code, 1917, ch. 15, p. 617.

Sec. 1106 (1888). Scalage.—If any purchaser or weigher of cotton shall deduct from the true weight of any bale or package thereof any amount whatever, as scalage, with intent to diminish the sum to be paid or credited to the seller, he shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten dollars nor more than twenty.

Sec. 1107. Actual weight.—If any purchaser of cotton shall fail to account to the seller for the actual weight of the cotton bought, except where the amount of the deduction is agreed upon between them, or adjudged by a disinterested person for them, he shall be guilty of a misdemeanor, and, on conviction, shall be punished as prescribed in the last section.

Hemingway's Ann. Code, 1917, ch. 147, p. 2615.

Sec. 6159°. Standard measure for oysters.—That a standard measure for oysters is hereby established, which said measure shall consist of a tub or other round vessel of the following dimensions, to wit: It shall measure seventeen inches in diameter inside at the bottom and twenty-one and one-half inches inside at the top, and fourteen and one-half inches inside from bottom to top, the unit of such tub or measure to be in the shape of inverted frustum of a cone. Two of these measures filled to the top shall make one barrel, and all oysters bought or sold in this State in the shell shall be measured in a measure of this dimension or measure holding a fraction or multiple thereof, and it shall be unlawful for any person to have in his possession any measure for oysters in the shell which shall differ in size from the measure herein provided for, or to demand or require a greater or less measure in buying or selling; and no vessel or measure shall be used in buying or selling oysters until it has been measured and stamped by the oyster inspector with a metal tag or stamp, showing the quantity of oysters such measure will hold. It shall be the duty of the oyster inspector to make such measurements and to visit for that purpose each place where oysters are bought and sold as required, not to exceed once in each month during the canning season, and shall keep a book in which shall be recorded the dimensions of all vessels so measured. And for each stamp the chief inspector shall receive the sum of twenty-five cents from the person, persons or corporation to whom it is issued. The chief inspector shall keep a book to be known as the "oyster measure record," in which he shall register the names of each person, firm or corporation to whom he has issued such stamp and the date of issuance; and said record shall be open for the inspection of the public during business hours; and for every false or fraudulent issuance of said stamp or for every stamp issued without a record thereof being kept, in the "oyster measure record," the chief inspector shall be guilty of a misdemeanor and shall, on conviction, be fined the sum of fifty dollars, one-half of which shall be paid to the person or persons informing on the chief inspector.

Hemingway's Ann. Code, Suppl., 1921, ch. 147A, p. 542.

Sec. 6166a (1920). Paint, varnish, etc., unlabeled.—It shall be unlawful for any person, firm or corporation within this State to manufacture for sale, sell, or exchange, or to offer or to keep for sale or exchange any paint, putty, linseed oil or other paint oils, turpentine or varnish that is not labeled in accordance with the provisions of this act, or which is adulterated or misbranded or insufficiently labeled or branded; and any person, firm, or corporation violating any provision of this act shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars, and not more than one hundred dollars for the first offense, and not less than fifty dollars and not more than two hundred dollars for each subsequent offense.

Sec. 6166b. Term "paint" defined.—The term paint as used herein shall include all substances, whether dry or ground in oil, used or intended for use as paint or as components of paint. It shall include paste and semi-paste paints, house, carriage, wagon, barn,

floor, roof, and implement paints and enamels, and all kinds of liquid and ready mixed paints. It shall not include artists' colors, liquid bronzes, colors intended to be mixed with water for decorative purposes, wood fillers, stove polishes or stove enamels, and shingle and roof stains.

Sec. 6166c. Receptacles to bear labels.—Every container or receptacle of paint, putty, linseed oil, or other paint oils, turpentine, and varnish sold, exchanged, or offered or kept for sale or exchange shall bear a label printed in legible type in English stating:

(*a*) The kind of paint or material in the container, and the name and residence of the manufacturer by whom made and the name and residence of the distributor, person or firm for whom made.

(*b*) The volume, if sold by volume; and the net weight if sold by weight.

* * * * * * *

Sec. 6166e. State chemist to enforce this act.—The State chemist is hereby charged with the enforcement of the provisions of this act. He shall also prepare such rules and regulations as are necessary to carry its intent and purpose into effect; and the collection, examination, and analysis of specimens of paint, putty, linseed oil and other paint oils, turpentine, and varnish shall be carried out under his direction by duly authorized inspectors and analysis.

Laws, 1923, ch. 114, p. 108.

Sec. 9. Standard weights to be used.—No person purchasing, selling or storing grain in any public local grain warehouse in this State, as the same is now or may be hereafter defined by law, shall use any other measure for such grain than the standard bushel, and no other number of pounds shall be used or called a bushel than the number of pounds provided by law as the standard weight of the kind of grain in question: *Provided, however*, That during the months of October and November not exceeding eighty pounds and during the months of December and January not exceeding seventy-two pounds may be so used as the standard bushel of new ear corn.

Laws, 1918, ch. 191, p. 224.

Sec. 5. Milk or cream testing apparatus.—That it shall be unlawful for any person to operate a milk or cream testing apparatus to determine the percentage of milk fat in milk or cream for the purpose of purchasing same, either for himself or another, without first securing a license from the State commissioner of agriculture, who shall issue such license, upon a form prepared by him, upon payment of a fee of one dollar for a period of twelve months: *Provided*, The applicant for license shall pass a satisfactory personal examination that shall satisfy said commissioner that he is competent and qualified to operate and use such apparatus and make an accurate test with same, which license may be revoked by the commissioner when it shall be shown that such licensed person is incompetent or unreliable. The testing of each lot of milk or cream by any unlicensed person shall constitute a separate offense under this act: *Provided*, That any licensed person may for a valid reason satisfactory to said commissioner, appoint a substitute for a period not to ex-

ceed fifteen days, and subject to the approval of said commissioner. Any person violating the requirement of this section shall be guilty of a misdemeanor, and upon conviction, shall be punished as provided in section 2 of this act.

Sec. 6, as amended by Laws, 1922, ch. 253, p. 339. Babcock test.—It shall be unlawful for any person, either for himself or another, to falsely manipulate, or under-read or over-read, take inaccurate samples or make any false determinations by Babcock test or any other contrivance used to determine the quantity of fat in milk or cream or value of milk or cream delivered to a creamery, cheese factory, condensory, ice cream plant, milk plant or milk depot, or when sold or purchased. The test shall be clear oil, free from sediment, solids, or other foreign substance, and must be read at a temperature of 125°–140° F. Cream tests must be weighed. The scales must be sensitive and accurate. The tester and owner or owners are jointly responsible for their accuracy. For the purpose of providing official supervision of the operation of the Babcock test in all licensed receiving stations conducted for the purchase of butter fat either in the form of cream or milk, to promote fair competition, and to protect the producer of butterfat, thereby giving more confidence to the producer in the system of determining the per cent of butterfat in cream or milk, the following regulation is hereby promulgated:

That all individuals, corporations and partnerships authorized by license or permit to conduct the Babcock test in the State of Mississippi shall retain in a cool, clean, sanitary place and in tightly stopped bottles or tightly covered jars the exact, properly labeled samples of cream or milk from which the butterfat test has been conducted, until 6 p. m. of the day following the application of the test where daily testing is practiced, and until 6 p. m. of the second day following the application of the test where composite testing of individual deliveries is practiced. In case of Sundays and legal holidays intervening the samples shall be held one additional day.

Upon such occasions as may be determined wise, this department or its inspectors may order any sample or samples held for a longer period than provided for by these regulations.

Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be punished as provided in section 2 of this act.

Sec. 7. Bottles and pipettes used in measuring milk or cream.—All bottles and pipettes used in measuring milk or milk products for making determination of the per cent of fat in said milk or milk products, shall have clearly blown or otherwise permanently marked in the side of the bottle or pipette the word " sealed," and in the side of the pipette or the side or bottom of the bottle the name, initials or trade-mark of the manufacturer and his designating number, which designating number shall be furnished by the State commissioner of agriculture upon application by the manufacturer and upon the filing by the manufacturer of a bond in the sum of one thousand dollars with sureties to be approved by said commissioner, conditioned upon conformance with the requirements of this section. A record of the bonds furnished, the designating number, and to whom furnished, shall be kept in the office of said commissioner. Any manufacturer who sells Babcock, or other, milk, cream or

butter test bottles or milk pipettes, to be used in this State, that do not comply with the provisions of this section shall suffer a penalty of five hundred dollars, to be recovered by the attorney general of the State in action in the name of the State upon the bond of such manufacturer and any dealer who uses, for the purpose of determining the per cent of milk fat in milk or milk products, any bottles or pipettes purchased after six months from the date of this act shall take effect, that do not comply with the provisions of this section relating thereto, shall be guilty of a misdemeanor, and upon conviction, shall be punished as provided in section 2 of this act.

MISSOURI

Rev. Stats., 1919, Vol. 3, ch. 127, p. 4203.

Sec. 13577°. County clerk to procure weights and measures; length; capacity; weight.—The clerk of each county court shall provide, at the expense of the county, one measure of one foot, or twelve inches, English measure; one measure of three feet, or thirty-six inches, English measure, denominated one yard; one-half bushel measure, which shall contain one thousand seventy-five and one-fifth cubic inches, denominated dry measure; one gallon measure, which shall contain two hundred and thirty-one cubic inches; one-half gallon measure, which shall contain one hundred and fifteen and one-half cubic inches; one quart measure, which shall contain fifty-seven and three-fourts cubic inches. Also, one set of weights, called avoirdupois weights, and one seal, with initials of the county inscribed thereon; which measures, weights and seal shall be kept by the clerk of the county court of each county.

Sec. 13578. Notice.—So soon as the weights and measures are provided, the clerks of the county court shall cause notice thereof to be given at the courthouse door, for two months; and any person who shall knowingly keep any measure or weights, and buy or sell any commodity whatsoever by such weights or measures as shall not correspond with the weights and measures deposited in the clerk's office, shall, for every such offence, forfeit and pay to the party injured ten dollars, to be recovered by civil action before any justice of the peace of the county.

Sec. 15379. Sealing.—Clerks of the county court shall, with the seal aforesaid, seal all weights and measures presented to them for that purpose, that correspond with the county standard.

Sec. 13580. Ton; hundredweight.—The hundredweight shall consist of one hundred pounds avoirdupois, and twenty such hundreds shall constitute a ton.

Sec. 13581. Legal weights of bushel of various produce.—Whenever the articles hereinafter named shall be sold by the bushel, and no special agreement as to the measurement or weights thereof shall be made by the parties, the bushel shall consist of the following number of pounds, viz:[1]

	Pounds per bushel		Pounds per bushel
Wheat	60	Buckwheat	52
Beans	60	Castor beans	46
Clover-seed	60	Hemp seeds	44
Irish potatoes	60	Blue-grass seed	14
Peas	60	Timothy seed	45
Split peas	60	Cotton seed	33
Rye	56	Salt	50
Dried peaches	33	Mineral coal	80
Dried apples	24	Coke	[2] 2, 680

[1] For convenience in printing a slight change has been made in arrangement of these articles.

[2] Cubic inches per bushel.

	Pounds per bushel
Charcoal	[2] 2, 680
Sweet potatoes	56
Parsnips	44
Common turnips	42
Carrots	50
Rutabagas	50
Shelled corn	56
Flax seed	56
Unshelled corn	70
Barley	48
Oats	32
Bran	20
Onions	57
Corn meal	50
Millet	50
Green peas, unshelled	56
Green beans, unshelled	56
Apples	48
Peaches	48
Pears	48
Hungarian grass seeds	48
Malt	38
Top onion sets	28
Red top seed	14
Orchard grass seed	14
Sorghum seed	42
Osage orange seed	36
Cucumbers	48
Tomatoes	45

And whenever apples shall be sold by the barrel [3] and no special agreement is made as to the size of the barrel by the parties, the size shall be as follows: Length of barrel, twenty-eight and one-half inches, with chines of three quarters of an inch at the ends; the diameter of the heads shall be seventeen and one-quarter inches, and the diameter of the center of the barrel inside shall be twenty and one-half inches.

Sec. 13582. Timber; board measure.—All plank and sawed timbers and lumber shall, unless otherwise agreed by special contract, be sold by board measure.

Sec. 13583. Flour, weight of barrel, sack.—A barrel of flour shall consist of 196 pounds net; a sack of flour shall consist of 98 pounds net; a half sack of flour shall consist of 48 pounds net; a quarter sack of flour shall consist of 24 pounds net; no manufacturer or dealer in flour shall sell flour in barrels, sacks, half sacks or quarter sacks containing a less amount of flour than the amounts above specified. Before any barrel, sack, half sack or quarter sack of flour shall be sold, the number of pounds therein contained shall be plainly labeled or stamped thereon. Any person who shall sell any package of flour which shall be stamped or labeled with a greater number of pounds net than such package actually contains, or who shall put up or sell flour in any manner contrary to the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than ten dollars nor more than one hundred dollars.

Sec. 13584. Fraudulent weighing of ore.—Any person or persons who keep any public or private scales and weigh for themselves or others, mineral, lead, zinc, coal and other ores, who knowingly take more than ten hundred pounds for one thousand or more than twenty hundred pounds avoirdupois for one ton, or fail to correctly balance his or their scales before weighing, or shall fail or neglect to account for each fractional part of a thousand or ton, as the case may be, in weighing any of the ores herein named, which ores are bought and sold by the thousand or ton, shall, for every such offense, forfeit and pay to the party injured a sum not less than twenty dollars nor more than fifty dollars, to be recovered by civil action before any justice of the peace in the county.

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[2] Cubic inches per bushel.
[3] See footnote, p. 20, relative to Federal standard barrel.

Sec. 13585. Sale of grain, etc., to be made by actual weight; penalty for deductions.—Every sale of grain, seed, hay or coal shall be made on the basis of actual weight thereof, and any purchaser of grain, seed, hay or coal, who shall deduct any amount from the actual weight or measure thereof, under claim of right to do so by reason of any custom or rule of a board of trade or any pretense whatsoever, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than ten dollars nor more than one hundred dollars for each and every offense.

Sec. 13585a, as enacted by Laws, 1923, p. 381. Correct weight of coal; certificate to be furnished; violation a misdemeanor.—Every person or persons selling and delivering coal in wagon load or truck load lots shall correctly weigh said coal and shall furnish to the driver or person in charge of such load a ticket signed by the person selling such coal, stating the gross, tare and net weights, and said ticket shall also state the name of the purchaser of such coal and shall correctly describe the quality, kind and character of such coal; and the seller's driver or agent in charge of said load shall on the delivery of such load deliver such ticket to such purchaser. Any State, county or township officer sworn to preserve the peace shall have power to enforce the provisions of this section and in the enforcement thereof may require any driver or person in charge of such load of coal while hauling same, to exhibit the weight ticket of said load, and may require such person to drive such load to any public or private scale and have the same weighed thereon, and to return after delivery of such load and have the empty vehicle weighed. Any person or persons selling and delivering coal contrary to the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum of not less than ten dollars, nor more than one hundred dollars for each offense.

Sec. 13586. Authority of agent and broker, selling grain, etc.—No agent or broker selling any grain, seed, hay or coal shall have authority, under claim or right to do so by reason of any custom or rule of board of trade, to sell any grain, seed, hay or coal only on the basis of the actual weight thereof, and any contract of sale of any grain, seed, hay or coal made in violation of sections 13585 and 13586 of this article shall be null and void.

Rev. Stats., 1919, Vol. 2, ch. 72, p. 2357.

Sec. 7610°. Cities of first class.—All cities and towns in this State containing one hundred thousand inhabitants or more shall be cities of the first class.

Sec. 7621. What cities eligible to become first class.—All cities and towns in this State containing more than seventy-five thousand inhabitants and less than one hundred and fifty thousand inhabitants may elect to become cities of the first class in the manner hereinafter provided. In all cases, the population shall be determined by the last census taken, whether State or National.

Sec. 7674 (a1911). Powers of mayor and council of cities of the first class; weights and measures used by traders, dealers and common carriers to be tested; regulation and inspection of certain articles; inspection and weighing of hay, lime, fuel, etc.; to regulate inspection of articles and appoint weighers, gaugers and inspectors; to regulate weight and quality of bread.—The mayor and common council shall have power within

the city, by ordinance, not inconsistent with the constitution or any law of this State or of this article:

XXIV. To require all traders or dealers in merchandise or property of any description which is sold by measure or weight, and all common carriers using weights and measures, to cause their weights or measures to be tested and sealed, and to be subject to inspection.

XXV. To regulate and provide for inspecting and measuring of firewood, lumber, shingles, timber, posts, staves, headings and all kinds of building materials, and for measuring all kinds of mechanical work, * * *

XXVI. To provide for the inspection and weighing of hay, lime, stone, coal, charcoal and all kinds of coal used for fuel or for heating purposes, and the place and manner of weighing the same.

XXVII. To regulate the inspection of beef, pork, flour, meal and other provisions, whiskey and other liquors to be sold in barrels, hogsheads and other vessels or packages; to appoint weighers, gaugers and inspectors, and to prescribe their duties.

XXVIII. To regulate the weight and quality of bread to be sold or used in the city.

Sec. 7611°. Cities of second class.—All cities and towns in this State containing thirty thousand and less than one hundred thousand inhabitants shall be cities of the second class.

Sec. 7970 (1913). What cities may become cities of the second class.—All cities and towns in this State containing more than 30,000 inhabitants and less than 75,000 inhabitants may elect to become cities of the second class in the manner hereinafter provided. In all cases the population shall be determined by the last census taken, whether State or National, or by a census taken by a census supervisor appointed for that purpose by the governor of the State at the request of the mayor of any city of the third class, or upon the petition of not less than 100 of the registered voters of such city.

Sec. 7976 (a1917). General corporate powers; to inspect food, etc.; to inspect weights and measures, milk, ice cream, and to regulate weight and quality of bread.—Every city of the second class shall have power, by ordinance, not inconsistent with the constitution, or any law of this State, or of this article: * * *

XXII. To inspect, test, measure and weigh any article of food, drink, or wear for consumption or use, bought, sold, used or handled in the city, and to inspect at all reasonable hours and times, all buildings, lands and places of every description in the city, as to their conditions for health, cleanliness and safety.

XXIII. To establish standards of weights and measures, and to provide for the inspection of all weights and measures: *Provided however*, That the standards as established by the United States Government or the State of Missouri shall be used where they apply.

XLII. To provide for the inspection of milk, cream and ice cream offered for sale or for use in such city, and to provide a standard for such products, and to prescribe the weight and quality of bread to be sold in the city, and to provide for the seizure and confiscation of said products when not conforming to the regulations.

Sec. 7612 (1899). Cities of third class.—All cities and towns in this State containing three thousand and less than thirty thousand in-

habitants, which shall elect to be a city of the third class, shall be cities of the third class.

Sec. 8297 (1893). Inspection, weighing, etc.—The council [of cities of the third class] may prescribe rules and provide methods by ordinance for the inspection, weighing and measuring of any commodity sold in the city in all cases not otherwise provided for by law, and may provide for the selling, weighing and inspecting of meats, poultry and vegetables, of butter, lard and other provisions and articles of food; and may provide for the inspecting and measuring of wood, coal and fuel, lumber, shingles, timber and all kinds of building material, and shall have power to appoint inspectors and measurers; and may make provisions for the inspection of steam boilers, and all steam heating apparatus, and to license engineers using steam boilers in the city, and may regulate the place or places where hay, lime, lumber, timber, wood, coal and all kinds of fuel shall be exposed for sale, and fix the fees of the person or persons appointed to perform the duties named in this section.

Rev. Stats., 1919, Vol. 2, ch. 38, p. 1791.

Sec. 5670 (a1919). Food.—In the case of food as herein defined, an article shall also be deemed to be misbranded; * * * 5. If in package form and the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count: *Provided, however*, That reasonable variations as to small packages shall be established by rulings and regulations made by the State food and drug commissioner, as provided by section 5732 of the Revised Statutes, 1919.

Sec. 5723°. Mixed flour to be branded.—No person shall sell or offer for sale any flour, meal, grits or hominy, made from the admixture or adulteration of grains, unless there shall have been first branded upon each of the barrels or packages containing the same, the kind of grains composing said admixture, the quality and weight thereof, and the name and place of business of the person manufacturing the same: *Provided, always*, That the admixture of the several grades or kinds of wheat shall not be construed to be mixed or adulterated grains.

Laws, 1925, H. B. 84, p. 105.

Sec. 1. Definitions.—In this act the term "commissioner" means the commissioner of the State marketing bureau of the Missouri State board of agriculture. "Agricultural products" shall include horticulture, viticultural, dairy, bee, and any farm product; the word "person" shall include individuals, partnerships, corporations, associations, or two or more individuals having a joint or common interest; words used import the singular or the plural as the case may demand.

Sec. 2. Official standards for containers of farm products.—In order to promote, protect, further, and develop the agricultural interests of this State the commissioner is hereby authorized and empowered after investigation and public hearing to fix and promulgate official standards for grading and classifying any or all agricultural products grown or produced in this State and to fix and promulgate official standards for containers of farm products and change any of them from time to time.

Sec. 3. Promulgating standards.—In promulgating the standards or any alterations or modifications of such standards the commissioner shall specify the date or dates when the same shall become effective and shall give public notice not less than 30 days in advance of such date or dates by such means as he deems proper, and he is hereby authorized and empowered to employ reasonable methods for diffusing information concerning the standard that may be fixed by him for any agricultural product or container.

Sec. 4. Fixing and promulgating official standards authorized by Congress.—The commissioner is authorized to fix and promulgate as the official standard for this State for any agricultural product or container the standard for such product or container which may have been promulgated or announced therefor under the authority of the Congress of the United States, and in carrying out the provisions of this act the commissioner is authorized to cooperate with the United States or any department thereof in accomplishing the matters and things provided for herein.

Sec. 11. Use of other standards prohibited; penalty.—* * * Whenever any standard for a container for an agricultural product becomes effective under this act, no person thereafter shall manufacture for commerce within the jurisdiction of this State, or sell, ship, or offer for sale in such commerce any container, either filled or unfilled, to which the standard is applicable which does not comply with such standard subject to such tolerances as may be permitted under this act. Any person violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars or not more than one hundred dollars.

Rev. Stats., 1919, Vol. 3, ch. 90, Art. 2, p. 3020.

Sec. 9932°. Minimum weight of carload, mixed freight.—Twenty-four thousand pounds shall be deemed the minimum weight for a carload of such mixed stock when such car is thirty feet long, and such minimum weight shall be more or less than twenty-four thousand pounds, in proportion as such car is more or less than thirty feet long; and no railway company, or agent for such company, shall charge, demand or receive any greater sum for the transportation of such car or cars of mixed stock or grain than is charged for the transportation of such car or cars when but one species of stock or one kind of grain is shipped therein: *Provided*, That said different species of stock or different kinds of grain, or articles of commerce and trade, which are loaded in said car or cars, do not exceed the maximum weight allowed by law and usage when but one species of stock or kind of grain is shipped in such car or cars.

Sec. 9959. No discrimination allowed in shipping grain; grain to be weighed and shortage made up.—Every railroad corporation chartered by or organized under the laws of this State, or doing business within the limits of the same, when desired by any person wishing to ship any grain over its road, shall receive and transport such grain, in bulk or otherwise, within a reasonable time, and load the same either upon its track, at its depot, or at any warehouse adjoining its track or side track, without distinction, discrimination or favor between one shipper and another, and without distinction or discrimination as to the manner in which such grain is offered

to it for transportation, or as to the person, warehouse or place to whom or to which it may be consigned; and at all stations where scales are required to be kept, at the time such grain is received by it for transportation, such corporation shall carefully and correctly weigh the same, and issue to the shipper thereof a receipt or bill of lading for such grain, in which shall be stated the true and correct weight, and such corporation shall weigh out and deliver to such shipper, his consignee or other person entitled to receive the same, at the place of delivery, the full amount of such grain, without any deduction for leakage, shrinkage or other loss in the quantity of the same, except that one-half of one per cent. shall be allowed for leakage, shrinkage or other loss on bulk grain. In default of such delivery, the corporation so failing to deliver the full amount of such grain shall pay to the person entitled thereto the full market value of any such grain not delivered at the time and place when and where the same should have been delivered.

Rev. Stats., 1919, Vol. 2, ch. 49, Art. 2, p. 1876.

Sec. 6024 (1913). Scales may be examined and tested, when, by whom.—* * * All scales used for the weighing of property in public warehouses or public elevators shall be subject to examination and test by any duly authorized State scale inspector, and no scales shall be used for the weighing of grain after being found incorrect until put in order and found accurate and approved for further use by an authorized State scale inspector.

Sec. 6049, as amended by Laws, 1925, p. 259.—The commissioner [warehouse commissioner] shall appoint suitable persons to act as weighmasters at such places in this State where State grain inspection and weighing may be established in conformity with the provisions of this article; said weighmasters shall at the places aforesaid, supervise the weighing of all grain which may be subject to inspection and weighing, and at all warehouses or elevators where there are no such scales as hopper scales, there shall be provided in such cases by the warehouseman or elevatorman or railroad company, upon the order of the commissioner, track or other proper scales upon which the gross, tare and net weight of each car, wagon or other package shall be taken, but at all warehouses or elevators having hopper scales the net weight of grain contained in each car, wagon or other package shall be taken on such scales and certificate of weight of such weighmasters in the discharge of their aforesaid duties shall be prima facie the basis of settlement between the buyer and seller. And such State weighmaster shall have the entire control of such scales: *Provided*, That in addition to the weighing of grain, subject to inspection, said weighmasters are authorized to supervise the weighing, and that weight certificates be issued on coal, bran, shorts, hay, seeds and any other commodity of a similar nature upon which official State weights are requested.

Sec. 6050 (1913). Fees.—The commissioner shall fix the fees to be paid for the weighing of grain, which fees shall be paid by the warehouseman or elevatorman, but on grain not going into such warehouse or elevator the fee shall be paid by the consignee, and may be

added to the charges for storing, transferring, handling, mixing or commission, and the said commissioner shall adopt such rules and regulations for the weighing of grain as he shall deem proper.

Sec. 6051. Scales to be furnished; by whom; where located.—It shall be the duty of the person or persons doing a public warehouse or public elevator business under this article to provide and maintain suitable scales upon which all grain tendered to him or them for storage, transferring, handling or mixing shall be weighed under the supervision of a State weighmaster, as provided for in this article. Said scales shall be located at the most convenient point upon the track of some railroad running into or adjoining such warehouse or elevator. It shall further be the duty of the person or persons doing a public warehouse or public elevator business under this article, at some convenient time, at least once a year or when the commissioner orders it, after giving fifteen days' notice, and under the supervision of an authorized State weighmaster and inspector of the State grain inspection department, to weigh and inspect all grain at such time or times then in such warehouse or elevator, and to report to the warehouse registrar the result of such weighing and the actual amount of each kind and grade in such warehouse or elevator. During such time as such weighing is going on, the receiving and shipping or grain into and from such warehouse or elevator shall be discontinued until such general weighing has been completed.

Sec. 6052. Railroads to furnish scales to weigh grain handled by them; wagon scales; location of scales.—At all terminal or other points within this State wherever State grain inspection may be established, it shall be the duty of all railroads to provide, on the order of the commissioner, suitable wagon scales in their unloading yards, upon which all grain handled by them subject to inspection and weighing may be weighed as required by this article. Said scales shall be located at places to be designated by the commissioner and it shall be the duty of said commissioner to see that the provisions of this article are strictly enforced.

Sec. 6053. Weight certificates, by whom issued; penalties.—It shall be unlawful for any person, corporation or association other than a duly authorized and bonded State weigher to issue any weight certificate or to issue or sign any paper or ticket purporting to be the weight of any car, wagon, sack or other package of grain weighed at any warehouse or elevator in this State where duly appointed and qualified State weighers are stationed and in control of the scales under the provisions of this article, or to make any charge for such weighing, or purported weighing, or weight certificates, or tickets or purported weight certificates or tickets. And any person, corporation or officer, agent or servant of such corporation who shall do any of the acts declared by this section to be unlawful, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than five hundred dollars, nor more than one thousand dollars, or shall be imprisoned in the county jail, or if in the city of St. Louis, the jail of said city, not less than six months nor more than twelve months, or by both such fine and imprisonment. And any weighmaster who shall knowingly falsely weigh any grain or shall knowingly give any false or untrue cer-

tificates as to the weight of grain, or who shall knowingly violate any of the provisions of this article, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or shall be imprisoned in the county jail, or if in the city of St. Louis, in the jail of said city, not less than six months nor more than twelve months, or by both such fine and imprisonment.

Sec. 6054. Weighmasters' bond and compensation.—The weighmasters provided for in this article shall each give a bond in the sum of five thousand dollars, conditioned for the faithful discharge of their duties and shall receive such compensation as the commissioner shall determine.

Sec. 6064, as reinacted by Laws, 1925, p. 260. Barrel for oils and motor fuels.—The fee for the inspection of oils and motor fuels under this article (except only the special fee for testing "distillate," "gas oils" and "fuel oil") shall be as follows: For each barrel, tank or container of fifty gallons or less, twenty-five cents; * * *. For the purpose of this act, fifty gallons shall constitute a barrel.

Sec. 6069, as reinacted by Laws, 1925, p. 260. Measuring devices to be tested.—It is also made the duty of said inspector [State inspector], in addition to his other duties, in person or by deputy or special agent, and at least once in every six months, to carefully test and inspect the measuring devices or other instrumentalities used by any person, firm or corporation selling gasoline and motor vehicle fuels at retail, in this State, in quantities aggregating more than two hundred gallons monthly, in measuring such gasoline and motor vehicle fuels so sold and when he finds that such measuring device or instrumentality does not correctly and accurately register and measure the amount and quantity sold, shall require the correction, removal or discontinuance of the same.

Rev. Stats., 1919, Vol. 3, ch. 95, Art. 2, p. 3223.

Sec. 10448 (1913). Common carrier to furnish facilities for testing track scales.—It shall be the duty of all railroad corporations and common carriers operating in this State, to provide suitable facilities for the testing of all track scales used by such railroad corporations and common carriers. The commission is hereby authorized, after a hearing upon its own motion and after notice to the railroads operating in this State, to order a suitable car or other device or facility to be provided by the railroad corporations and common carriers operating in this State, to be used in testing the track scales used by such railroads, the expenses of providing such car device or facility to be equitably and reasonably apportioned among the different railroad companies by the commission. Such car, device or facility shall be used by the commission to test the accuracy of all track scales, and the different railroad corporations shall transport and move such car, device or facility, without charge therefor, to the different places designated by the commission under such reasonable rules and regulations as the commission may prescribe. Such car, device or facility may be used in adjoining States to test the scales of the railroad corporations and for that purpose may be taken beyond the limits of this State under such reasonable rules and regulations for the due care and return thereof as the commission may prescribe. The com-

mission is hereby authorized to prescribe and collect a reasonable fee sufficient to cover the cost and expenses connected therewith for the inspection and testing of all scales.

Rev. Stats., 1919, Vol. 3, ch. 109, p. 3762.

Sec. 11977 (1919). Milk or cream testing; how regulated.—It shall be the duty of the State dairy commissioner to license the use or operation of milk or cream testing apparatus, to determine the percentage of butter fat in milk or cream. And it shall be unlawful for any person to operate, or use any milk or cream testing apparatus for himself, or as the agent of any person, firm, association or corporation, to determine the percentage of butter fat in milk or cream for the purpose of fixing the value of such milk or cream for the purpose of purchasing the same, either for himself, or any other person, firm, association or corporation, or who shall take samples for that purpose, of milk, or cream without first securing a license from the State dairy commissioner, as in this act provided, authorizing the use and operation of such milk or cream testing apparatus, such license to run from the first day of August to the thirty-first day of July: *Provided*, That nothing herein contained shall be so construed as to impose a license tax upon any person using a Babcock tester in testing milk taken from his own cows for the purpose of determining the milk producing value of such cows. All applications for the license in this section required, shall be made to the State dairy commissioner on a blank form provided by him. Every such application shall be accompanied by an annual license fee of two dollars. A license issued under the provisions of this section shall also authorize the licensee to buy milk, cream and other dairy products mentioned in section 11976 of this article without additional license therefor, but not [no] person shall operate more than one station under the same license.

Sec. 11983. State standards.—Pipettes shall, for milk, have a capacity of seventeen and six-tenths centimeters; and the State standard test tube or bottles for milk shall have a capacity of two centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and ten on the graduated scale marked on the necks thereof; for cream, eighteen drams shall be used, and the standard test tube of bottles for cream shall have a capacity of six centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and thirty on the graduated scale marked on the necks thereof; and it is hereby made a misdemeanor to use any other measure, pipette, test tube or bottle to determine the per cent of butter [fat] where milk or cream is purchased by, or furnished to, any creamery or cheese factory where the value of said milk is determined by the per cent of butter fat contained in the same. And it shall be unlawful for any manufacturer, merchant, dealer or agent in this State who shall offer for sale, or sell a milk or cream pipette, or measure or test tube, or bottle which is not correctly marked or graduated as herein provided for, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished as provided by law.

Sec. 11984. Misdemeanor to manipulate test or falsify record thereof.—It shall be unlawful for any manager, owner, agent or any employee of a creamery or cheese or butter factory to manipulate or under-

read or overread the Babcock test, or any other contrivance used for determining the quality or value of milk or cream, or to run any such machine at a speed of less than six hundred revolutions per minute for a period of less than eight consecutive minutes, or to falsify the record thereof, or to pay for such milk on the basis of any measurement except the true measurement as thereby determined. Whoever shall be guilty of violating this section shall be deemed guilty of a misdemeanor and punished as provided by law.

Sec. 12152 (1917). Tags and labels; to show contents.—Every lot or parcel of commercial feeding stuffs sold, offered or exposed for sale or distributed within this State shall have affixed thereto a tag or label, in a conspicuous place on the outside thereof, containing a legible and plainly printed statement in the English language, clearly and truly certifying:

(*a*) The net weight of the contents of the package, lot or parcel;

(*b*) The name, brand or trade mark;

(*c*) The name and principal address of the manufacturer or person responsible for placing the commodity on the market; * * *

Rev. Stats., 1919, Vol. 3, ch. 95, Art. 4, p. 3252.

Sec. 10480 (1913). Inspection of gas, water and electric meters; gas and water meters to be inspected before installation; inspectors of electric meters; type of electric meter to be approved; testing and proving meters; inspecting and testing a meter upon request; rules and regulations.—1. The commission [public service commission] shall appoint inspectors of gas and water meters, whose duty it shall be when required by the commission to inspect, examine, prove and ascertain the accuracy of any and all gas and water meters used or intended to be used for measuring or ascertaining the quantity of gas for light, heat or power, or the quantity of water, furnished by any person, corporation or municipality to or for the use of any person or persons, and when found to be or made to be correct, the inspector shall seal all such meters and each of them with some suitable device, which device shall be recorded in the office of the secretary of state.

2. No corporation, person or municipality shall furnish, set or put in use any gas or water meter which shall not have been inspected, proved and sealed by an inspector of the commission.

3. The commission shall appoint inspectors of electric meters, whose duties it shall be, when required by the commission, to inspect, examine and ascertain the accuracy of any and all electric meters used or intended to be used for measuring and ascertaining the quantity of electric current used for light, heat or power by any person, corporation or municipality to or for the use of any person or corporation, and to inspect, examine and ascertain the accuracy of all apparatus for testing and proving the accuracy of electric meters, and when found to be or made to be correct the inspector shall stamp or mark all such meters and apparatus with some suitable device, which device shall be recorded in the office of the secretary of state. No corporation, person or municipality shall furnish, set or put in use any electric meter the type of which shall not have been approved by the commission.

4. Every gas corporation, electrical corporation, water corporation and municipality shall provide, repair and maintain such suitable premises and apparatus and facilities as may be required and approved by the commission for testing and proving the accuracy of gas, water and electric meters furnished for use by it, and by which apparatus every meter may be tested.

5. If any consumer to whom a meter has been furnished shall request the commission in writing to inspect such meter, the commission shall have the same inspected and tested; if the same upon being so tested shall be found to be more than four per centum if an electric meter, more than two per centum if a gas meter or more than five per centum if a water meter, defective or incorrect to the prejudice of the consumer, the expense of such inspection and test shall be borne by the corporation or municipality, if the same on being so tested shall be found to be correct within the limits of error prescribed by the provisions of this subsection, the expense of such inspection and test shall be borne by the consumer.

6. The commission may prescribe such rules and regulations to carry into effect the provisions of this section as it may deem necessary, and shall fix uniform reasonable charges for the inspection and testing of meters upon complaint.

Rev. Stats., 1919, Vol. 2, ch. 68, p. 2308.

Sec. 7429 (a1919). Rates of toll.—The owner or occupier of every public mill or mills doing an exchange business shall be entitled to toll all grain ground thereat according to the following rates: First, if a water mill, one-eighth, and if a mill propelled by power other than water, one-sixth, and no more: *Provided, however*, That such mills must actually grind or exchange all grain taken to their mills, and take therefrom the toll by weight, as above provided, and no more, as full payment for such grinding, when requested to do so.

Sec. 7433°. Mills shall keep measures.—The owner or occupier of a public mill * * * shall always keep at such mill a half bushel and a peck measure, tried and sealed by the clerk of the county court, and proper toll dishes for such measures.

Rev. Stats., 1919, Vol. 2, ch. 69, p. 2309.

Sec. 7458°. Screening coal before weighing, prohibited.—It shall be unlawful for any mine owner, lessee or operator of coal mines in this State, employing miners at bushel or ton rates, or other quantity, to pass the output of coal mined by said miners over any screen or any other device which shall take any part from the value thereof before the same shall have been weighed and duly credited to the employe sending the same to the surface, and accounted for at the legal rate of weights as fixed by the laws of Missouri; and no employe within the meaning of this section shall be deemed to have waived any right accruing to him under this section by any contract he may make contrary to the provisions thereof. And any provision, contract or agreement between mine owners or operators thereof, and the miners employed therein, whereby the provisions of this section are waived, modified or annulled, shall be void and of no effect, and the coal sent to the surface shall be accepted or rejected; and if accepted, shall be weighed in accordance

with the provisions of this article, and right of action shall not be invalidated by reason of any contract or agreement; and any owner, agent or operator of any coal mine in this State who shall knowingly violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars for each offense, or by imprisonment in the county jail for a period of not less than sixty days nor more than six months, or by both such fine and imprisonment; proceedings to be instituted in any court having competent jurisdiction.

Sec. 7459. Weighman and check weighman shall take oath, etc.; penalty.—The weighman employed at any mine shall subscribe an oath or affirmation before a justice of the peace, or other officer authorized to administer oaths, to do justice between employer and employe, and to truly and correctly weigh the output of coal from the mines as herein provided. The miners employed by or engaged in working for any mine owner, operator or lessee of any mine in this State shall have the privilege, if they desire, of employing at their own expense a check weighman, who shall have like equal rights, powers and privileges in the weighing of coal as the regular weighman, and be subject to the same oath and penalties as the regular weighman. Said oath or affirmation shall be kept conspicuously posted in the weigh office, and any weigher of coal or person so employed, who shall knowingly violate any of the provisions of this article, or any owner, operator or agent of any coal mine in this State who shall forbid or hinder miners employing or using a check weighman as herein provided, or who shall prevent or willfully obstruct any such check weighman in the discharge of his duty, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars for each offense, or by imprisonment in the county jail for a period not less than thirty days nor more than ninety days, or by both such fine and imprisonment proceedings to be instituted in any court having competent jurisdiction. Whenever the coal mine inspector shall be satisfied that the provisions of this section have been willfully violated, it shall be his duty to forthwith inform the prosecuting attorney of any such violation, together with all the facts in his knowledge, and the prosecuting attorney shall thereupon investigate the charge so preferred, and if he be satisfied that the provisions of this section have been so violated, it shall be his duty to prosecute the person or persons guilty thereof.

Sec. 7460. Penalty for using false scales.—Every owner, agent or operator of any coal mine in the State, employing miners at bushel or ton rates, shall provide at such mine or mines accurate and suitable scales of standard manufacture upon which shall be weighed all coal coming out of such mine or mines; said scale or scales to be located at a reasonable distance from the point where the coal is delivered to the surface opening of the mine or mines, and in no case shall said scale or scales be located at a greater distance from said surface opening of the mine or mines than one hundred feet. Any owner, agent, operator, person, or persons having or using any scales or scale for the purpose of weighing the product of the miners' labor,

and so arranges or constructs said scale or scales, or by any contrivance therewith connected causes the fraudulent weighing of such coal or said product, or who shall knowingly resort to, permit or employ any person or means whatsoever, by reason of which said product of the mine is not correctly weighed and reported in accordance with the true weight and the provisions of this article, shall be deemed guilty of a misdemeanor, and shall, upon conviction for each and every offense, be punished by a fine of not less than two hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail for a period not to exceed ninety days, or by both such fine and imprisonment; proceedings to be instituted in any court of competent jurisdiction.

Sec. 7461. Shall apply to loaders in certain mines.—The manner of weighing, as hereinbefore provided for, shall apply to the class of workers in mines known as loaders, engaged in mines wherein the mining is done by machinery, whenever the workmen are under contract to load coal by the bushel, ton, or any quantity the settlement of which is had by weight.

Sec. 7462. Inspector to test scales.—The coal mine inspector of this State shall be ex officio inspector of weights, measures and scales used at coal mines, and he is hereby empowered and it shall be his duty to test the scales used to weigh coal mined in the mines of this State at least every six months, to ascertain whether or not such scales correctly measure the weight of such coal, and if defects or irregularities are found in such scales which prevent correct weights and measurements the inspector shall call the attention of the mine owner, agent or operator to said defects and direct that the same be at once properly adjusted and corrected. If the owner, agent or operator of any coal mine in this State shall refuse to allow such inspector to properly test the scales used at such mine or mines, or shall fail or refuse to put such scales in proper adjustment and condition, so that the same shall correctly weigh the coal mined after being notified by said inspector so to do, such owner, agent or operator shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not exceeding five hundred dollars, or be confined in the county jail not exceeding six months, or both, in the discretion of the court, and it shall be the duty of the prosecuting attorneys in the respective counties to prosecute any person, firm or corporation violating the provisions of this section the same as in other misdemeanor cases.

MONTANA

Rev. Codes, 1921, Vol. 1, Pol. Code, Part 3, ch. 7, p. 256.

Sec. 112°. State sealer of weights and measures.—The secretary of state is ex officio State sealer of weights and measures, and his duties as such officer are defined by sections 4235 to 4264 of this code.

Rev. Codes, 1921, Vol. 1, Pol. Code, Part 3, ch. 275, p. 1528.

Sec. 4235 (1913). State sealer, who is; deputy sealers, who are.—The secretary of state is hereby declared to be and is the ex officio State sealer of weights and measures. The sealers of weights and measures of each municipal corporation are hereby declared to be deputy sealers of weights and measures of their respective municipal corporations. All deputy sealers of weights and measures shall receive no compensation other than such as may be provided by law, and shall be paid by the municipal corporation of which they are such officers.

Sec. 4236 (a1917). Authority and duties of State sealer of weights and measures; supervision of weights and measures; standards to be kept, where; correction of standards of counties, cities and towns; county auditors and clerks designated as inspectors.—(1) The State sealer of weights and measures shall have full authority and supervision over the inspectors of weights and measures, hereinafter provided for, and all deputy sealers of weights and measures appointed as such by any municipal corporation within the State. Said State sealer of weights and measures shall have general supervision over the weights and measures of the State. He shall take charge of the standards of weights and measures and shall procure at the expense of the State any weights and measures that may be necessary, and shall cause them to be kept and in no case removed from a fire-proof vault in his office, except for the purpose of certification or repairs. He shall maintain said standards in good order and submit them once in ten years to the National Bureau of Standards for certification. He shall correct the standards of the several counties, cities, and towns as often as he may deem necessary, and at least as often as once in five years, and where not otherwise provided by law he shall have general supervision of the weights and measures, or weighing and measuring devices of the State in use in the State.

(2) The county auditors, in counties of the first, second, third, fourth, and fifth class, and county clerks, in counties of the sixth, seventh, and eighth class, are hereby declared to be inspectors of weights and measures in their respective counties.

Sec. 4237. Secretary of state ex officio State sealer of weights and measures.—The secretary of state, as ex officio State sealer of weights and measures, shall be authorized to do and perform any and all acts by this act authorized. All bills and accounts of expense incurred by the State sealer of weights and measures shall be

presented to and allowed by the State board of examiners, in the same manner as provided for other claims contracted for and in behalf of the State of Montana.

Sec. 4238 (1913). Duties of sealer of weights and measures as to inspection; annual test of apparatus in State institutions.—Said State sealer of weights and measures, or his inspectors, shall visit the various counties, cities, and towns in the State, and in the performance of his duties, he, or his inspectors, may inspect weights and measures and balances which are used for buying or selling goods, wares, merchandise, or other commodities, and for public weighing, and shall, upon a written request of any citizen, first [firm] or corporation, or educational institution of the State, test or calibrate weights and measures, weighing devices, or apparatus used as test standards in the State. He or his inspectors shall at least once annually test all scales, weights and measures used in checking the receipts or disbursements of supplies of every State institution, and he shall report in writing his findings to the executive officer of the institution concerned.

Sec. 4239. Inspection and certificates.—The State sealer of weights and measures, or the State deputy sealer of weights and measures, or inspectors of weights and measures, may, in the discharge of their duties, inspect weights and measures. It is hereby made the duty of the State sealer of weights and measures, or his inspectors, or the State deputy sealer of weights and measures, to at least once each year, inspect all weights and measures, balances, measuring or weighing devices of different kinds throughout the State of Montana. The State sealer of weights and measures shall prepare a certificate of suitable size to be attached or affixed to all weights or measures or measuring devices so tested. Said certificate shall bear a fac simile signature of the State sealer of weights and measures and shall be countersigned by the inspectors of weights and measures, or the State deputy sealer of weights and measures, or such inspectors of weights and measures as may be designated by any municipal corporation. The certificate as prepared by the State sealer of weights and measures shall be numbered in consecutive order, and shall have printed or stamped upon such certificate the year, and shall be furnished to the inspector of weights and measures and to the sealer of weights and measures of any municipal corporation of the State, upon application therefor. The inspector of weights and measures of any municipal corporation shall pay to the State sealer of weights and measures for all such certificates so issued to him the sum equal to the actual cost of the number of certificates so received.

Sec. 4240. Apparatus must be tested before use; penalty for violation.—From and after the passage and approval of this act it shall be unlawful for any person or persons, firm, or co-partnership, corporation, or association of persons engaged in the trade of buying or selling, purchasing or disposing of, or dealing in any merchandise or commodities to any person or persons in the State of Montana, to sell or purchase by weight or by measure, without first having had the weights and measures, scales, or measuring devices used by them for the purpose of determining the amount or quantity of any article or articles of merchandise, tested and

a certification attached thereto by the State sealer of weights and measures, or by inspectors of weights and measures, or by sealers of weights and measures appointed by any municipal corporation in the State of Montana. Such certificate shall be attached or placed in a conspicuous place upon such weighing or measuring device. Any person or persons using any weight or measure, or scale or other measuring device after the passage and approval of this act, or annually thereafter, which has not been tested as provided by this act, shall, upon conviction thereof, be deemed guilty of a misdemeanor and fined in the sum of not less than twenty-five dollars nor more than three hundred dollars. Any person or persons who shall be deemed guilty of a second offense, as provided in this act, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars and each and every successive day any person or persons shall so use any weights and measures, scales, or other measuring devices shall be and is hereby declared to be a separate and distinct offense.

Sec. 4241. Owners of apparatus must have same tested and sealed.—Every person or persons, firm, copartnership, or corporation engaged in the trade of buying and selling, or as a public weigher or user of weights and measures, shall, between the first day of January and the first day of March of each year, have his weights, measures, balances, and scales adjusted and sealed, and it is hereby made the duty of the inspector of weights and measures of the various districts of the State to examine and adjust all measures, balances, and scales used by persons within district engaged in buying, selling, or as public weighers or users of weights and measures.

Sec. 4242. Sealers to make inspection, when; hay, wagon and railroad track scales to be tested.—After the first day of March of each year, the sealer of weights and measures, or his inspectors, or the deputy sealer of weights and measures, shall visit the places of business and enter upon the carts, wagons or vehicles then in use for the business of all persons engaged in the trade of buying and selling, or selling who have weights, measures, or balances which have not been sealed during the current year, and try, adjust, and seal the same. He shall at least once every six months try, adjust, and seal every hay scale, wagon scale, railroad track scale, or platform scale or balances used in the trade of buying and selling or selling or for public weighing.

Sec. 4243. Inspection and test of apparatus; annual test of computing scales.—The State sealer of weights and measures, the deputy State sealer, or his inspectors of weights and measures, or municipal sealer of weights and measures, shall have power to inspect, test, try and ascertain if they are correct, all weights, scales, beams, measures of any kind, instrument or mechanical devices for measurement, and the tools, appliances, or accessories connected with any or all of such instruments or measurements, used or employed within the State by a proprietor, agent, lessee, or employe in determining the size, quantity, extent, area, or measurement of quantities, things, produce, articles for distribution or consumption, offered or submitted by such person or persons for sale, hire, or award: *Provided, also*, That the State sealer of weights and measures, or his deputy, or his inspectors,

or any municipal sealer of weights and measures, shall, at least once a year and as often as may be deemed necessary, try and prove all computing scales and other devices having a device for indicating or registering the price as well as the weight of the commodity offered for sale. Computing devices, which may be used by any person at any place within this State shall be tested as to the correctness of both weight and arithmetical values indicated by them.

Sec. 4244. Commodities, test of at irregular intervals; police powers of sealers; prosecution of offenders.—The sealer of weights and measures, his deputy, or his inspectors, or municipal sealer of weights and measures, may, at irregular intervals, examine all commodities sold and offered for sale and test them for correct weight, measure, or count. He, his deputy, or his inspectors, or municipal sealers may, for the purposes above mentioned, and in the general performance of their official duties, enter or go into or upon, with or without formal warrant, any stand, place, building, or premises, or may stop any vendor, peddler, junk dealer, coal wagon, ice wagon, or any dealer whatsoever, for the purpose of making the proper tests; and in the exercise of such duties they shall have full police power to enforce any and all reasonable measures for testing such weights and measures, and also in ascertaining whether false or short weights and measures are being given in any scales [sales] or transfer of articles of merchandise taking place within the State. Whenever the State sealer of weights and measures, or his inspectors or deputies, have reason to believe that any person or persons or corporation is violating the provisions of this act, or any act relating to weights and measures, they shall submit the evidence to the properly constituted authority in the county in which such violation occurs, who shall thereupon prosecute the persons alleged to have violated the provisions of this act, or any act relating to weights and measures, or such evidence may be submitted direct to the attorney general of the State, who shall have authority to prosecute such persons in the proper county.

Sec. 4245. Control of track scales; condemnation of track scales; authority of official to condemn; fraud in sales.—(*a*) All track scales used by common carriers for the purpose of weighing freight in carload lots within this State shall be under the control and direction and jurisdiction of the State sealer of weights and measures, and subject to inspection by him, his inspectors, or deputy sealers of weights and measures.

(*b*) The State sealer of weights and measures, his inspectors, or his deputy sealers of weights and measures, shall have power either on their own motion or on complaint being made, to determine whether any such track scales are defective or inefficient, or whether the time, manner, or method of using same is unreasonable, ineffective or unjust, and shall have power to condemn any such scale found to be defective or inefficient, and prohibit the use of the same while in that condition, and to render such decision and to make such order, rule, or regulation as may be deemed necessary or advisable.

(*c*) Any person or persons who shall knowingly and willfully sell, or direct or permit any person or persons in his or their employ to sell any commodity or article of merchandise, and make or give

any false or short weight or measure, or any person or persons owning or keeping, or having charge of any scales or steel-yards for the purpose of weighing livestock, hay, grain, coal, or other articles, who shall knowingly and willfully report any false or untrue weight, whereby any other person or persons may be defrauded or injured, shall be fined in any sum not exceeding five hundred dollars, or be imprisoned in the jail of the county not exceeding thirty days, at the discretion of the court, and also be answerable to the party defrauded or injured in double damages.

Sec. 4246. Weight or measure of commodities sold to be marked on containers; proviso; commodities to be sold by net weight, measure or numerical count; unlawful to give false or short weight or measure; violation; prima facie evidence; permissible variations.—From and after January 1, 1914, it shall be unlawful for any person or persons, association, or corporation, to sell or offer for sale in this State, any commodity or article of merchandise in a package or container, without having such package or container labeled in plain, intelligible words and figures, with a correct statement of the net weight, measure, or numerical count of its contents: *Provided*, That nothing in this section shall prevent the putting up of commodities or articles of merchandise which have been previously sold by net weight, measure, or numerical count, into packages or containers for the purpose of delivering or transporting such commodities or articles of merchandise: *Provided, further*, That nothing in this section shall apply to commodities or articles of merchandise, except milk and cream, offered for sale or sold in packages or containers at a price of ten cents or less per such package.

1. It shall be unlawful for any person to sell or offer for sale in this State any commodity or article of merchandise, except by true net weight, measure, or numerical count, except where the parties otherwise agree. Contracts for work done, or for anything to be sold by weight or measure, shall be construed according to the standards hereby adopted as the standards of this State, except where the parties have agreed upon any other calculations of measurement, and all statements and representations of any kind referring to the weight or measure of commodities or articles of merchandise shall be understood in the terms of the standards of weights and measures aforesaid.

2. It shall be unlawful for any person, in buying or selling any commodity or article of merchandise, to make or give false or short weight or measure, or to sell or offer for sale any commodity or article of merchandise less in weight or measure than he represents, or to use a weight, measure, balance, or measuring device that is false and does not conform to the authorized standard for determining the quantity of any commodity or article of merchandise, or to have a weight, measure, balance, or measuring device adjusted for the purpose of giving false or short weight or measure, or to use in buying or selling of any commodity or article of merchandise a computing scale or device indicating the weight and price of such commodity or article of merchandise, upon which scale or device the graduations or indications are falsely or inaccurately placed either as to weight or price, or to use any computing scale having a horizontal registering bar with a barrel com-

puting device, unless such scale is adjusted to register the correct weight from all angles of vision.

3. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof in a court having jurisdiction of the offense shall be fined in a sum not to exceed two hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment, and any weight, measure, balance, or measuring device which shall have been used by him in such violation shall be ordered confiscated and destroyed. He shall also be liable in damages to the party injured by his violation in treble the amount of the property wrongfully taken or not given, and twenty dollars in addition thereto, to be recovered in a court of competent jurisdiction. The selling and delivery of any commodity or article of merchandise shall be prima facie evidence of the representation on the part of the vender that the quantity sold and delivered was the quantity bought by the vendee. There shall be taken into consideration the usual and ordinary leakage, evaporation, or waste that there may be from the time a package or container is filled by a vender until he sells the same. A slight variation from the stated weight, measure, or quantity for individual packages not to exceed three per cent is permissible; provided, that the variation is as often above as below the weight, measure or quantity stated.

Sec. 4247. Record and report of work done by sealers and inspectors.—The State sealer of weights and measures shall keep a complete record of all work done under his direction, and shall make an annual report not later than the first day of January of each year, preceding the meeting of the legislative assembly. The inspectors of weights and measures, and all municipal sealers of weights and measures, shall keep a complete record of all work done by them under and by direction of the State sealer of weights and measures, and shall report to the State sealer of weights and measures, not later than the fifth of each month, all work done by them for the preceding month. The State sealer of weights and measures shall provide a system of records, to be kept by all inspectors of weights and measures and municipal sealers of weights and measures, together with blank reports, upon which all reports of said inspectors and sealers of weights and measures are to be made. The form of record provided by the State sealer of weights and measures for all inspectors and municipal sealers of weights and measures shall be the form to be observed and kept by them, and after the said State sealer of weights and measures shall have prescribed the form of said records, said records so kept by any municipal sealer shall be filed in the office of the city clerk of the municipal corporation and become a record of said State.

Sec. 4248. Stamping weight or measure without verifying it.—Any person authorized to seal weights and measures in accordance with this act who shall, without duly verifying the weights and measures of any person by comparison with the standard of weights and measures, stamp a weight or measure, or attach thereto a certificate that said weight or measure has been duly tested, is hereby declared, upon conviction thereof, to be guilty of a misdemeanor, and shall be subject to a penalty of a fine of not less than fifty dollars nor more than three hundred dollars.

Sec. 4249. Weights and measures to be marked on top; apothecaries' weights and measures.—Every weight for use in trade, except when the small size of the weight renders it impracticable, shall have the denomination of such weight permanently marked on the top side thereof in legible figures or letters; and every measure of capactiy for use in trade shall have the denomination and kind thereof permanently marked on the outside of such measures in legible figures or letters. A weight or measure not in conformity with this section shall not be stamped by the State sealer of weights and measures, or inspector of weights and measures, or deputy sealers of weights and measures.

(*a*) Apothecaries and all other persons dealing in drugs, medicine, and merchandise commonly sold by apothecaries' weight or by apothecaries' liquid measure shall at least once in two years cause such weights and measures so used to be tested and sealed by officers authorized under this act to inspect weights and measures.

Sec. 4250. Procedure where weight or measure can not be adjusted readily.—If any weights, measures, or balances can be readily adjusted by such means as the inspector or sealer of weights and measures may have at hand, he may adjust and seal them, but if they can not be readily adjusted he shall affix to such weights, measures, or balances, a notice forbidding their use until he is satisfied they have been so adjusted as to conform with the standard. Any person or persons who remove said notice, without the consent of the officer affixing the same, shall upon conviction, be fined in a sum not to exceed fifty dollars.

Sec. 4251. Condemnation of weights or measures.—All weights, measures, and balances, which can not be made to conform to the standard weights and measures as herein provided, shall have stamped "Condemned" or "C. D." by the sealer of weights and measures.

Sec. 4252. Seizure of illegal weights and measures.—The State sealer of weights and measures, or inspector of weights and measures, or deputy sealer of weights and measures, may seize, without a warrant, such weights, measures, or balance as may be necessary to be used as evidence in case of violation of any act relative to the sealing of weights and measures. They shall be returned to the owners or forfeited as the court may direct.

Sec. 4253. Itinerant peddlers.—All itinerant peddlers and hawkers, using scales, balances, weights, or measures, shall take the same to the office of the State sealer of weights and measures, or inspector of weights and measures or deputy sealer of weights and measures, before any use is made thereof, and have the same sealed and adjusted annually; and any such person failing to comply with the provisions of this section shall be fined not less than five dollars nor more than one hundred dollars for each offense, and every day such person shall use such scales, balances, weights, or measures, without having the same adjusted and sealed as hereinbefore provided for, shall constitute a separate and distinct offense. Any itinerant peddler or hawker found using any false scale shall be subject to a fine of not less than ten dollars nor more than fifty dollars for each offense.

Sec. 4254. Sale of milk and cream.—All milk, cream, and skimmed shall prior to being used in such scale [sale], be sealed by the milk shall be sold only by standard wine measure, and by or in measures, cans, jars, bottles, or other vessels or receptacles, which shall prior to being used in such scale [sale], be sealed by the

sealer of weights and measures of the town where the person so using the same shall usually reside in this State, or of the town where such milk shall be sold for use; and every person selling any of the same contrary to this section, or delivering any of the same sold contrary hereto, shall be fined for the first offense not less than fifty dollars and not exceeding one hundred dollars and for the subsequent offense not less than one hundred dollars or imprisonment not to exceed ninety days, or both such fine and imprisonment. Any purchaser of milk, cream, or skimmed milk, having reason to believe that any measure, can, jar, bottle, or other vessel or receptacle, in which milk, cream, or skimmed milk is sold and delivered to him, is not of sufficient size or capacity to contain, by standard wine measure, the amount thereof purchased, may apply to the sealer of weights and measures, which sealer shall test the capacity of the same and issue to such purchaser his certificate stating the capacity thereof; and if such capacity, according to such certificate, shall be less than the amount purchased, such purchaser may make complaint and deliver such certificate to any officer authorized to make complaint for the violation of this act.

Sec. 4255. Capacity of milk receptacles and marking thereof.—No person or corporation shall, after the passage of this act, sell or offer for sale within the State of Montana, any milk or cream in bottles or in glass jars, unless each of said bottles or glass jars in which said milk or cream is sold or offered for sale shall have blown into it, or otherwise indelibly and permanently indicated thereon in a legible and conspicuous manner, the capacity thereof, and the State sealer of weights and measures or inspector of weights and measures, or deputy sealer of weights and measures, shall have the right, at any time, to examine any bottle or glass jar in which milk or cream is sold or offered for sale in the State of Montana, or which is used by any person or corporation for the purpose of containing milk or cream to be sold or offered for sale, in order to ascertain whether such bottle or jar is of a capacity not less than that which it purports to be; and if any such bottle or jar is of less capacity than that which it purports to be, or if any such bottle or jar shall not have blown into it, or otherwise indelibly and permanently indicated thereon in a legible and conspicuous manner, its capacity as aforesaid, the person or corporation selling or offering for sale milk or cream in any such bottle or jar, or having in his possession any such bottle or jar, to be used or which has been used for the purpose of containing milk or cream to be sold or offered for sale in said State of Montana shall, upon conviction, be fined not less than five dollars nor more than one hundred dollars for each offense; and each and every bottle or glass jar found in the possession of any person or corporation used or to be used, or which has been used by such person or corporation for the purpose of containing milk or cream to be sold or offered for sale in the State of Montana, which shall be found to be of a less capacity than that blown into the same, or otherwise so indelibly and permanently indicated thereon, or which shall not have blown into it or otherwise indelibly and permanently indicated thereon in a legible and conspicuous manner the capacity as aforesaid, shall constitute a separate and distinct offense on the part of such person or cor-

poration, and upon conviction such person or corporation shall be fined in a sum not less than ten dollars nor more than three hundred dollars.

Sec. 4256. Use of false weights or measures; penalty.—A person who uses, or has in his possession for use in trade, any weight, measure, scale, balance, steelyard, or weighting machine, which is false or incorrect, shall be fined not more than one hundred dollars, or in case of a second offense, not more than two hundred dollars, and any contract for gain, deal, or dealing made by the same shall be void and the weight, scale, measure, balance, or steelyard shall be liable to be forfeited.

Sec. 4257. What constitutes legal weights and measures.—A weight or measure duly stamped by the State sealer of weights and measures, or inspector of weights and measures, or deputy sealer of weights and measures, or by the National Bureau of Standards, shall be a legal weight or measure throughout the State, unless found to be false or incorrect, and shall not be liable to be resealed because used in any other place than that in which it was originally stamped.

Sec. 4258. Fraud in sale of commodities.—Whoever sells or offers for sale a less quantity than represented, or sells in a manner contrary to law, shall be guilty of fraud, and shall be fined not more than one hundred dollars, or, in case of a second offense, not more than two hundred dollars.

Sec. 4259. Tolerances and their establishment.—The State sealer of weights and measures shall, after consultation with, and with the advice of the National Bureau of Standards, establish tolerances for use in the State of Montana, and said tolerances shall be the legal tolerances in the State of Montana.

Sec. 4260. Refusal to produce weights and measures for inspection; penalty.—A person who neglects or refuses to produce for the State sealer of weights and measures, or inspectors of weights and measures, or deputy sealer of weights and measures, all weights, measures, or balance in his possession and used in trade, or on his premises, or refuses to permit the said officers to examine the same, or obstructs the entry of said officers, or otherwise obstructs or hinders any official under this law, or violates any of the provisions of this act, shall be fined not more than one hundred dollars, and in case of a second offense, not more than two hundred dollars.

Sec. 4261. Rules and regulations for inspectors and sealers.— The State sealer of weights and measures is hereby authorized to make and promulgate such rules and regulations for the government, guidance, and direction of inspectors of weights and measures, and deputy city sealers of weights and measures, in conformity with this act, as may be necessary to carry out the provisions of this act in a uniform manner. Such rules and regulations, when promulgated by the State sealer of weights and measures, with the approval of the governor of the State of Montana endorsed thereon, shall have the same force and effect as if provided for in this act. Such rules and regulations shall be published at least once in a newspaper of general circulation in each county and city of the State of Montana.

Sec. 4262. Penalty for violation of law.—Any person or persons violating any of the provisions of this act where no other penalty is provided shall, upon conviction thereof, be fined in a sum not less

than twenty-five dollars nor more than three hundred dollars or by imprisonment in the county jail not less than thirty nor more than ninety days.

Sec. 4263. Authority of sealers or inspectors as deputy sheriffs.—The State sealer of weights and measures, inspectors of weights and measures, or sealer of weights and measures of the various cities, towns, and counties throughout the State, shall be, by virtue of their respective offices, deputy sheriffs, and as such shall have power to arrest and detain any person violating the provisions of this act, without warrant.

Sec. 4264. Collection and distribution of fines and penalties.—All fines collected for violation of the provisions of this act shall be paid to the State treasurer for support and maintenance of the department of weights and measures. All justices of the peace and clerks of district courts who may collect any fine imposed for the violation of the provisions of this act must, not later than the fifth day of each month, transmit to the State sealer of weights and measures all moneys so collected, and the State sealer of weights and measures shall pay the same quarterly to the State treasurer, taking his receipt therefor.

Rev. Codes, 1921, Vol. 1, Pol. Code, Part 3, ch. 275, p. 1528.

Sec. 4212°. Standards.—The weights and measures accepted and used by the Government of the United States at the present time, except as hereinafter provided, are the lawful standard weights and measures of the State.

Sec. 4213. Yard.—The standard yard is the unit or standard measure of length and surface from which all other measures of extension, whether lineal, superficial or solid, are derived and ascertained.

Sec. 4214. Subdivisions of yard.—The yard is divided into three equal parts, called feet, and each foot into twelve equal parts called inches; for measures of cloths and other commodities commonly sold by the yard, it may be divided into halves, quarters, eighths, and sixteenths.

Sec. 4215. Rod, mile; chain and link.—The rod, pole, or perch, contains five and a half yards, and the mile one thousand, seven hundred and sixty yards; the chain for measuring land is twenty-two yards long, and divided into one hundred equal parts, called links.

Sec. 4216. Acre.—The acre for land measure must be measured horizontally, and contains ten square chains, and is equivalent in area to a rectangle sixteen rods in length and ten in breadth; six hundred and forty acres being contained in a square mile.

Sec. 4217. Units of weight.—The standard avoirdupois and troy weights are the units or standards of weight from which all other weights are derived and ascertained.

Sec. 4218. Division of pound; hundredweight; ton.—The avoirdupois pound, which bears to the troy pound the ratio of seven thousand to five thousand, seven hundred and sixty, is divided into sixteen equal parts, called ounces; the hundredweight consists of one hundred avoirdupois pounds, and twenty hundredweight constitute a ton. The troy ounce is equal to the twelfth part of the troy pound.

Sec. 4219. Liquid measures.—The standard gallon and its parts are the units or standards of measure of capacity for liquids, from which all other measures of liquids are derived and ascertained.

Sec. 4220. Barrel and hogshead.—The barrel is equal to thirty-one and a half gallons, and two barrels constitute a hogshead.

Sec. 4221. Solid measure.—The standard half bushel is the unit or standard measure of capacity for substances other than liquids, from which all other measures of such substances are derived and ascertained.

Sec. 4222. Division of half bushel.—The peck, half peck, quarter peck, quart and pint measures for measuring commodities other than liquid are derived from the half bushel by successively dividing that measure by two.

Sec. 4223. Heaped measure; measures, shape and dimensions.—The measures of capacity for charcoal, ashes, marl, manure, Indian corn in the ear, fruit, and roots of every kind, and for all other commodities commonly sold by heap measure, are the half bushel and its multiples and subdivisions; and the measures used to measure such commodities must be made cylindrical, with plane and even bottom, and must be of the following diameters from outside to outside: The bushel, nineteen and a half inches; half bushel, fifteen and a half inches; and the peck, twelve and a third inches.

Sec. 4224. Manner of heaping measure.—All commodities sold by heap measure must be duly heaped up in the form of a cone; the outside of the measure, by which the same are measured, to be the limit of the case [base] of the cone, and said cone to be as high as the article will admit.

Sec. 4225. Contracts.—Contracts made within this State for work to be done, or for anything to be sold or delivered by weight or measure, must be construed according to the foregoing standards.

Sec. 4226 (a1921). Standard ton; standard bushel.—The standard ton consists of twenty hundred pounds, but a ton of mineral coal is expressed by the conventional quantity of twenty-six and one-third bushels of seventy-six pounds each. A bushel of the articles hereinafter named consists of the number of pounds affixed to each, to wit:

	Pounds		Pounds
Apples and pears	45	Corn, shelled	56
Beans	60	Hay, per ton	2,000
Bran	20	Malt	30
Carrots	50	Onions	57
Barley	48	Potatoes	60
Beets	50	Rye	56
Buckwheat	52	Seeds	[1]
Coal, mineral	76	Blue-grass	14
Corn, in the ear	70	Timothy	45
Cornmeal	50	Hemp	44
Lime, unslacked	80	Turnips	50
Oats	32	Clover	60
Parsnips	50	Hungarian grass	50
Peas	60	Flax	56
Salt	50	Wheat	60

Sec. 4227. Penalty for taking more than prescribed weights or measures.—Any person, persons, company, or corporation who shall demand, exact, or take more than the prescribed number of pounds

[1] No weight is shown here for seeds; the space is also left blank in the session laws.

per bushel or per ton as fixed by the provisions of the preceding section, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than three nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

Sec. 4228. Measurement of hay in stack; method of measuring hay in stack.—Hereafter unless otherwise agreed to between the contracting parties, the following shall constitute the legal measurement for hay in stack in the State of Montana: Four hundred and twenty-two cubic feet shall constitute a ton of clean, native, blue joint hay, after thirty days and up to three months settlement in stack; when the same shall have been in the stack three months or over, three hundred and forty cubic feet shall be considered a ton. Five hundred and twelve cubic feet shall constitute a ton of alfalfa or rough slough grass, after the same shall have been in the stack thirty days or more and up to one year. Four hundred and fifty cubic feet shall constitute a ton of clean timothy and clover, after the same shall have been in the stack thirty days or more and up to one year. As to all other kinds of hay, five hundred and twelve cubic feet shall constitute a ton after the same shall have been in the stack sixty days or more and up to one year. For making measurements of hay in stack, the following is hereby made the legal method of measurement, to wit: The width and length of the stack shall be measured, and the distance from the ground against one side of the stack to the ground against the other side of the stack, directly over and opposite, shall be taken in linear feet and inches, and then the width shall be subtracted from the measurement over the stack, as above indicated, the result divided by two, and the result so obtained multiplied by the width, and the result thus obtained multiplied by the length, which will give the number of cubic feet contained in the stack, and the tonnage shall thereupon be determined by dividing the total number of cubic feet by the number of cubic feet allowed under the provisions of this act for a ton.

Sec. 4233°. Weights and measures inspected by county sealer.—All vendors and traders in goods and merchandise, gold dust, and other articles of traffic, must have their balances, weights, and measures compared with the standard of their respective counties, and approved and marked by the county sealer, and if the same are found to be correct to be sealed with the name or initial letters of the county inscribed thereon, or condemned by him if found incorrect and marked "condemned."

Sec. 4234. Penalties.—The penalties for using, marking, or stamping false weights and measures, or selling therewith is [are] provided for in sections 11428 to 11431 of the Penal Code.

Rev. Codes, 1921, Vol. 4, Penal Code, Part 1, ch. 37, p. 154.

Sec. 11240°. False weight; penalty.—Every person who, in putting up in any bag, bale, box, barrel, or other package, any hops, cotton, wool, grain, hay, or other goods usually sold in bags, bales, boxes, barrels, or packages, by weight, puts in or conceals therein anything whatever, for the purpose of increasing the weight of such bag, bale, box, barrel, or package, with intent thereby to sell the

goods therein, or to enable another to sell the same, for an increased weight, is punishable by fine of not less than twenty-five dollars for each offense.

Rev. Codes, 1921, Vol. 4, Penal Code, Part 1, ch. 47, p. 204.

Sec. 11428°. False weight and measure defined.—A false weight or measure is one which does not conform to the standard established by the laws of the United States of America.

Sec. 11429. Using false weights or measures.—Every person who uses any weight or measure, knowing it to be false, by which another is defrauded or otherwise injured, is guilty of a misdemeanor.

Sec. 11430. False marking.—Every person who knowingly marks or stamps false or short weight or measure, or false tare, on any cask or package, or knowingly sells or offers for sale, any cask or package so marked, is guilty of a misdemeanor.

Sec. 11431. Ton, pound.—In all sales of coal, hay and other commodities, usually sold by the ton or fractional part thereof, the seller must give to the purchaser full weight, at the rate of two thousand pounds to the ton; and in all sales of articles which are sold in commerce by avoirdupois weight, the seller must give to the purchaser full weight, at the rate of sixteen ounces to the pound; and any person violating this section is guilty of a misdemeanor.

Rev. Codes, 1921, Vol. 1, Pol. Code, Part 3, ch. 182, p. 932.

Sec. 2336 (1921). Full weight.—In all sales of coal the person selling the same must give to the purchaser full weight at the rate of two thousand pounds to the ton.

Sec. 2342. Misdemeanor.—Any violation of any of the provisions of this act shall be deemed a misdemeanor, and shall be punishable by a fine of not more than one thousand dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Rev. Codes, 1921, Vol. 1, Pol. Code, Part 4, ch. 44, p. 1856.

Sec. 5039 (a1897). Powers of city or town councils.—The city or town council has power:

23. To regulate the inspection, weighing, and measuring of wood, coal, stone, corn, or other grain, and hay, within the city or town.

56. To establish standard weights and measures to be used in the city or town, and to provide for a sealer of standard weights and measures, who has exclusive jurisdiction within the city or town.

57. To provide for the inspection and measuring of lumber and other building materials.

Rev. Codes, 1921, Vol. 1, Pol. Code, Part 3, ch. 199, p. 1008.

Sec. 2582 (1911). Weights and measures; size of gallon and pound.—In case of food sold by weight or measure, all measures shall be in gallons or fractions thereof, a gallon to contain two hundred and thirty-one cubic inches, and each fraction of a gallon to contain its corresponding fraction of two hundred and thirty-one cubic inches. Where weights or measures are stated in pounds and ounces, they shall be exclusive of the wrapper or other container, and each pound shall contain sixteen ounces, each ounce containing four

hundred and thirty-seven and one-half grains. Any person, persons, firm, or corporation selling or offering for sale any article of food as a pound, or any multiple thereof, except by actual weight, the net weight of which is less than sixteen ounces, or the proper multiple thereof to represent the number of pounds sold or offered for sale, and any person, persons, firm, or corporation selling or offering for sale any quantity of food as a gallon, or any fraction thereof, which does not contain two hundred and thirty-one cubic inches net measure, or the fraction thereof represented by the fraction of a gallon offered for sale or sold, shall be guilty of a misdemeanor.

Sec. 2587. Contents to be marked on packages, when.—* * * That for the purpose of this act, an article shall be deemed to be misbranded; * * *

In the case of foods: * * *

Third. If in the package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Rev. Codes, 1921, Vol. 1, Pol. Code, Part 3, ch. 276, p. 1545.

Sec. 4265 (1913). Standard size apple box established.—There is hereby created and established a standard size for apple boxes for the State of Montana. The standard size of an apple box shall be of the following dimensions, when measured without distention of its parts: Depth of end, ten and one-half inches; width of end, eleven and one-half inches; length of box, eighteen inches inside measurements; and representing as nearly as possible two thousand one hundred seventy-three and one-half cubic inches.

Sec. 4266. Boxes shall be plainly marked "Short box" or by what figures.—Any box in which apples shall be packed and offered for sale that contains less than the required number of cubical inches, as prescribed in the preceding section shall be plainly marked on one side and one end with the words "Short box," or with the words or figures showing the practical relation which the actual capacity of the box bears to the capacity prescribed by the preceding section. The marking required by this paragraph shall be in black letters of the size of not less than seventy-two point black [block] Gothic.

Sec. 4267. The approximate number of apples, name of grower or packer, place of growth, variety of apples and grade to be plainly marked on box.—The box when packed and offered for sale shall bear upon it or upon the label, and in plain figures, the approximate number of apples in the box, which shall be within five apples of the true count of the number of the style of pack used in the box; also in plain letters the name of the firm, company, or organization who shall have first packed, or authorized the packing of the same. Also the name of the locality where the apples were grown; also the correct name of the variety of apples contained in the box; also the grade adopted by the grower, firm, company, or organization that authorized the packing of the fruit.

Sec. 4269. Boxes may be marked "Standard."—The boxes in which the apples are packed in accordance with the provisions of this act may be marked "Standard."

Sec. 4272, as amended by Laws, 1925, ch. 81, p. 108. Penalty for violation.—No person, firm, company, or organization shall sell or

offer for sale, or shipment within or without the State of Montana, apples branded or packed in boxes in violation of the provisions of this act. Any person, firm, company or organization who shall knowingly sell or offer for sale, or shipment within or without the State of Montana, apples branded or packed in boxes in violation of the provisions of this act, shall be guilty of a misdemeanor and on conviction thereof shall be subject to a fine of not less than ten dollars or more than fifty dollars.

Rev. Codes, 1921, Vol. 1, Pol. Code, Part 3, ch. 277, p. 1547.

Sec. 4273 (1919). Weights for sale of bread prescribed.—From and after the passage of this act it shall be unlawful for any person or persons, association, copartnership or corporation to manufacture for retail or wholesale trade, or to sell bread unless the same shall be of the following weights, which shall be net weights eight hours after baking: One pound, one and one-half pounds, two pounds, three pounds, four pounds, five pounds, six pounds, or other multiple pound weights; variation at the rate of one ounce per pound over and one ounce per pound under the above specified unit weights are to be permitted in individual loaves, but the average weight of not less than twenty-five loaves of any one unit of any one kind shall be not less than the weight prescribed for such unit, and if twin or multiple loaves are wrapped at the place where baked or sold to the consumer wrapped and undivided, the loaf must conform to the above weight requirements, and if the twin or multiple loaf is unwrapped or divided before being sold to the consumer, each unit of the loaf must conform to the above weight requirements: *Provided*, That this act shall not apply to persons, firms or corporations who do not hold themselves out to the public, and engaging in a general and established business of manufacturing or selling bread and bread products.

Sec. 4274. Definition of twin or multiple loaf.—In construing provisions of the preceding section the following definitions shall be had: A twin or multiple loaf is one that is made of two or more portions of dough baked in one pan; single units weighing less than one pound must not be baked; a manufacturer or seller of loaves of the weights prescribed may cut and sell a portion of a loaf to a consumer; bread may be sold at any time after baking, and it shall not be required that bread shall remain unwrapped for any specified length of time after baking.

Sec. 4275. Return or repurchase of bread prohibited.—It shall be unlawful for any person or persons, association, copartnership, or corporation engaged in the manufacture for sale, or the sale of bread, to directly or indirectly accept return of bread theretofore sold, nor repurchase the same, nor allow credit to anyone for the same; nor shall any bread previously sold be exchanged for other bread.

Sec. 4276. Penalty for violation of act.—Any such manufacturer or seller violating any of the provisions herein contained shall be liable to a fine of not less than ten dollars nor more than one hundred dollars for each and every offense, and each separate sale or violation of any of the provisions of this act shall constitute a separate offense.

Rev. Codes, 1921, Vol. 1, Pol. Code, Part 4, ch. 11, p. 1674.

Sec. 4471 (1905). County commissioners may establish public scales.—The board of county commissioners of any county is hereby authorized, in its discretion, when petitioned by twenty-five or more residents and freeholders of the county, to establish and locate public scales at any suitable location selected by the county commissioners within the county.

Sec. 4472. Capacity of scales.—Such scales shall be purchased by the county, and be not less than five tons weighing capacity, and shall be provided with glass or open front which can be observed by the one weighing without dismounting from wagon, and shall be the property of the county, and at all times be under its control and subject to the will of the county commissioners.

Sec. 4473. The board of county commissioners to appoint public weigher.—The board of county commissioners shall appoint at each place where public scales are established by them, a public weigher, who shall have the custody and care of such property, and who shall give a bond to the county in the sum of five hundred dollars, conditioned for the safe-keeping of the same, and for the faithful and impartial discharge of the duties incident to his trust in office.

Sec. 4474. Duty of public weigher.—It shall be the duty of each public weigher to keep a stub record of all weighing done by him, which record and the receipt issued such public weigher shall show for whom property was weighed and the character and kind thereof, and shall constitute prima facie evidence of the facts therein contained; and all such stub records, or other records which the county commissioners may require him to keep, shall at all times be open to public inspection during business hours, between 7 a. m. and 6 p. m. of any day, save and except Sundays and legal holidays, and such public weigher shall file a sworn statement with the county recorder of the county, as prescribed by the county commissioners thereof, which statement shall show the date and character or kind of property weighed, for whom weighed, and a complete statement of all fees collected.

Sec. 4475. Rules and regulations.—Such public weigher shall receive not to exceed ten cents for each receipt issued by him, and shall be governed by such rules and regulations as may be from time to time prescribed or adopted by the board of county commissioners, and he may be removed at any time by such board.

Sec. 4476. False receipts.—Any public weigher, under the provisions of this act, who shall make any false or fraudulent receipt of any weighing done by him, or shall be guilty of any collusion with any other person or persons for the purpose of deceiving any person or persons in regard to the correctness of weights, or who shall fail to comply with the requirements of the preceding section, is guilty of a misdemeanor.

Rev. Codes, 1921, Vol. 4, Penal Code, ch. 43, p. 188.

Sec. 11387 (1897). False device for measuring gas, water, or electricity.—Every person or persons, or officer or officers, or employee or employees of any corporation or corporations who with intent to injure, or defraud, uses or causes to be used any false registering or false measuring device or meter for the measuring of any water,

gas or electric current that is sold to any other person or persons, corporation or corporations, or who shall alter or change the record or measurement of any such meter or measuring device with intent to injure or defraud, shall be guilty of a misdemeanor and on conviction thereof shall be fined in the sum of not less than one hundred dollars nor more than five hundred dollars. In prosecutions for offenses under this section, proof of the use of such false registering meter or proof of an attempt to collect payment from any consumer for any falsified amount or quantity of gas, water, or electricity, shall be prima facie evidence of the guilt of such defendant.

Rev. Codes, 1921, Vol. 1, Pol. Code, Part 3, ch. 254, p. 1307.

Sec. 3561 (1921). Powers and duties of department.—The department of agriculture, labor and industry shall have power and it shall be its duty: * * *

4. To establish and promulgate standards for open and closed receptacles for farm products and standards for the grade and other classification of farm products.

Sec. 3563. Divisions defined.—There shall be four main divisions of the department of agriculture, labor and industry, to wit:

The division of farming and dairying; the division of grain standards and marketing; the division of horticulture; the division of labor and publicity.

The divisions hereby created are intended for the sole purpose of promoting the logical and convenient classification of the work of the department, and nothing herein contained shall be deemed to prevent any person engaged in the work of a particular division from performing the work of another division; the commissioner may likewise create additional divisions at his discretion.

Sec. 3570, as amended by Laws, 1923, ch. 35, p. 67, sec. 9. Babcock test adopted; certificate; method of test; false determination.—The Babcock test is hereby adopted as the official dairy test for use in the State of Montana.

Any person operating the Babcock test in any creamery or cheese factory, or other place where milk or cream is bought and paid for on the basis of its fat content, shall be required to pass such examination as the commissioner of agriculture shall prescribe, upon successful completion of which examination he shall receive a certificate signed by said commissioner, or his authorized agent, stating his competency to operate said test.

* * * * * * *

The following is the method which shall be adopted as the standard for the operation of the Babcock test for the State of Montana and shall be used by persons, firms, or corporations paying for milk or cream on the basis of the butter fat content of such commodity or commodities.

The milk from which the sample to be tested is taken shall be thoroughly mixed by pouring from one vessel to another, three times and by stirring with an instrument suitably [suitable] for the purpose. The sample to be tested shall consist of eighteen grams by weight, or seventeen and six-tenths cubic centimeters, as measured in a standard pipette. The standard strength of the acid used for all testing of milk or cream shall be indicated by the specific gravity,

which shall be not less than one and eighty-two hundredths, nor more than one and eighty-three hundredths, as determined by a standard hydometer [hydrometer]. After properly mixing the sample of milk and acid in the test bottle, centrifuging shall be for periods of five minutes, two minutes, and one minute. After the first period of centrifuging, water shall be added, sufficient to fill the test bottle up to the base of the neck and after the second centrifuging, water shall be added sufficient to raise the fat in the neck of the test bottle to near the top of the graduation. The water used to fill the test bottles shall be at a temperature of one hundred and forty degrees Fahrenheit or more. After the last period of centrifuging, the test bottle shall be immersed in a bath prepared for the purpose, which shall consist of water at not less than one hundred and thirty-five degrees nor more than one hundred and forty degrees Fahrenheit, and they shall remain immersed for at least ten minutes and the temperature of the bath shall be kept between the temperatures before named for the full period of immersion. The test shall be read immediately after the test bottles are taken from the bath. Dividers shall be used to determine the length of the fat column in the neck of the test bottles.

The reading shall be from the bottom of the lower meniscus to the top of the upper meniscus of the fat column.

The method of testing cream shall be the same as for milk, except that all samples of cream tested shall be eighteen grams by weight, and the reading of the fat column in the neck of the test bottle shall be from the bottom of the lower meniscus to the bottom of the upper meniscus. If glymol is used to destroy the upper meniscus, the reading shall be from the bottom of the lower meniscus to the bottom of the glymol on the top of the fat column.

If the operator prefers, he may use the alternate method of testing cream, hereinafter described. Before taking the samples of cream for testing, the whole body of cream shall be thoroughly mixed, as by the preceding method. All samples of cream taken for testing shall be homogenous samples of the whole body of cream from which they are taken and shall be eighteen grams by weight. After properly mixing the acid and sample of cream to be tested, the test bottle shall be filled to the base of the neck with water at a temperature of not less than one hundred and eighty degrees Fahrenheit, placed immediately in the testing machine and centrifuged for not less than five minutes. The test bottle shall then be filled to near the top of the graduation with water at one hundred and eighty degrees Fahrenheit replaced in the machine and centrifuged for two minutes or more. The water bath shall then be used and the reading made in the same way as in the preceding method. A standard thermometer shall be used for determining temperatures in making the Babcock test.

All test bottles, pipettes and other glassware used in connection with the Babcock test, whether fat forms the basis for the payment of the product, shall be handled and calibrated by the commissioner of agriculture or his deputies, as often as the commissioner may prescribe, such testing or calibrating to be done on the premises where such glassware is used. All bottles used for the purpose of making the Babcock test shall be standard bottles, and shall be designated as

such by the word "standard" stamped thereon. All glassware found to be not standard in capacity shall be seized and destroyed by the commissioner of agriculture or his authorized agent.

No owner, manager, agent or employee of a cheese factory, creamery, or other place where the fat content of milk or cream is determined by test, shall falsely manipulate or under-read or over-read the Babcock test or any other contrivance used for determining the quality of milk or cream or make any false determination of the said Babcock test or other test.

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Sec. 3571, as amended by Laws, 1923, ch. 35, p. 67, sec. 10. Standard measure for milk; butter measure; penalty; maker's name on packages; pound packages so branded.—The standard measure of capacity for milk shall be the gallon containing two hundred thirty-one cubic inches, the half gallon shall contain one hundred fifteen and five-tenths cubic inches, and the quart one-fourth as much as the gallon, and the pint one-half as much as the quart.

The standard measure for the sale of butter and cheese in the State of Montana shall be sixteen ounces (avoirdupois weight) to the pound, when wrapped or put in container, exclusive of the wrapper or container. Where weight and measure are stated in pounds or ounces, they shall be exclusive of the wrapper or other container, and each pound shall contain sixteen ounces, each ounce four hundred and thirty-seven and one-half grains. All packages of butter weighing less than sixteen ounces avoirdupois, shall be of a net weight which is a binary submultiple of sixteen ounces, which is eight ounces, four ounces, or two ounces. Any person, persons, firm or corporation, selling or offering for sale, any article of dairy products as a pound, or any multiple thereof, the net weight of which is less than sixteen ounces, or the proper multiple thereof, to represent the number of pounds sold or offering for sale, shall be guilty of a misdemeanor; provided, a reasonable variance be permitted, and that tolerance shall be established by rules and regulations made by the commissioner of agriculture, in accordance with the provisions of this act.

That butter sold in the State of Montana whether manufactured on a farm or in a creamery, must have the maker's name clearly written or printed in a conspicuous place on the outside of the package in which it is sold, and upon each pound package of butter so sold or offered for sale the words "Net weight sixteen ounces" or "Net weight one pound" shall appear.

Sec. 3573. The division of grain standards and marketing.—The department of agriculture, labor and industry, through the division of grain standards and marketing, shall enforce all the laws of the State of Montana concerning the handling, weighing, grading, inspection, storage and marketing of grain, and the management of public warehouses.

Sec. 3575, as amended by Laws, 1923, ch. 41, p. 96. Testing of scales; fee.—The commissioner of agriculture shall employ an expert tester of scales, whose duty it shall be under such rules and regulations as the commissioner may prescribe to test the scales within this State where grain is weighed at elevators and public warehouses; also to test all wagon scales, coal scales and track scales in the State of Mon-

tana where grain is weighed for the public. The person employed by the commissioner of agriculture as an expert tester of scales shall collect from such person, firm, copartnership or corporation for each track scale tested ten dollars, for each wagon scale, coal scale, dump scale and shipping scale five dollars, and for each portable scale and grain tester one dollar.

Sec. 3576. Appointment of inspectors, samplers and weighers.—The commissioner of agriculture shall appoint such number of inspectors, samplers and weighers as may be necessary to properly and thoroughly enforce the provisions of this act. Such inspectors shall be able to qualify under the terms and in accordance with the United States Federal grain standards act; no such inspector, sampler or weigher shall be interested directly or indirectly in the handling, sorting, shipping, purchasing or selling of grain or grain products.

Sec. 3577. Penalty for misconduct by inspectors.—Any inspector, sampler, or weigher, who shall be guilty of any neglect of duty, or who shall knowingly or carelessly inspect, sample, or weigh any grain, or who shall, directly or indirectly, accept any money or other consideration for any neglect of duty or any improper performance of duty as such inspector, sampler, or weigher, or any person, persons, corporation, or agent, who shall improperly influence, or attempt to improperly influence, any inspector, sampler, or weigher in the performance of his duties, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 3578. Designation of inspection points; deputy inspectors.—Such cities and towns where grain is received in carload lots may be designated by the commissioner of agriculture as inspection points, and be provided with State inspection and weighing: *Provided*, That the expenditures for the inspection and weighing at the points designated by the commissioner shall not exceed the receipts of fees at such point or points. The commissioner may also assign deputy inspectors to such territory or portions of the State as it may determine to be necessary, and it shall be the duty of such deputy inspectors to inspect grain delivered in less than carload lots in such territory or portions of the State to which they may be assigned, to furnish producers within such territory or portions of the State with such inspection as shall enable them to determine the grade of their grain, and to perform such other duties as the commissioner may prescribe.

Sec. 3581. For inspection and weighing.—The commissioner of agriculture shall fix the fees for inspection and weighing of grain, and such fees shall be a lien upon such grain until paid.

Sec. 3582. Records of weighing and grading; certificate.—The inspectors, samplers and weighers shall, at places provided for State inspection, have exclusive control of the weighing and grading of grain to be inspected, and the certificates of such officers relative to such weighing and grading, shall be conclusive upon all parties interested. Suitable books and records shall be kept, in which shall

be entered a faithful and true record of every carload of grain inspected or weighed by them, and showing the number of and initial or other designation of the car containing such carload, its weight, the kind of grain and its grade, and if graded below standard No. 1 grade, the reason for such grade, if of inferior grade, the amount of such dockage, the amount of fees and forfeitures and disposition of the same, and for each car of grain they shall give a certificate of inspection, showing the kind and grade of the same and the reason for all grades below No. 1, the amount to be allowed for dockage, if any. They shall also furnish the agent of the railroad company, or other carrier over which such commodity was shipped or carried, a certificate showing the weight thereof, if requested to do so. They shall also keep a true record of all appeals, decisions, and a complete record of every official act, which books and records shall be open to inspection by any party in interest.

Sec. 3583. Removal of inspectors for misconduct.—Upon written complaint filed with the commissioner of agriculture, charging an inspector, sampler, or weigher with official misconduct, inefficiency, incompetency, or neglect of duty, the commissioner of agriculture shall investigate such charges, and if it be found sustained shall remove such officer.

Sec. 3592. Examination of grain cars at destination; license of grain weighers.—All inspectors, samplers and weighers, before opening the doors of any car containing grain, upon arrival at any of the places designated by the commissioner of agriculture for inspection, shall first ascertain the condition of such cars, and determine whether any leakages have occurred while said cars were in transit, whether or not the doors were properly secured and sealed at point of shipment, and shall make a record of such facts in all cases, giving seal numbers.

After such examinations have been made, the State officials shall securely close and reseal such doors as have been opened by them, using the special seal of the commissioner of agriculture for the purpose.

A record of all original seals broken by said officials and the date when broken, and also a record number of said seals shall be made by them. An inspector, weigher, or sampler shall break the seal, weigh and superintend the unloading of all cars of grain subject to inspection, and it shall be unlawful for any other person, or persons, to break the seal or weigh such cars of grain.

The commissioner of agriculture shall have power to require all persons, firms, corporations, or warehousemen engaged in weighing grain within the State of Montana to obtain a license, and prescribe rules and regulations governing the application for and the issuance of such licenses, but no fee shall be charged therefor, and any person, firm, corporation, or warehouseman, who shall weigh any grain without first having obtained license, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars.

All fees, licenses, and other charges collected under the provisions of this act shall be, by the person collecting the same, paid to the State treasurer of the State of Montana, and by said treasurer placed in the general fund.

Rev. Codes, 1921, Vol. 1, Pol. Code, Part 3, ch. 257, p. 1386.

Sec. 3822 (1913). Maintenance of loading platforms by railroad.—Every railroad company doing business in this State shall, within sixty days after notice from the board of railroad commissioners of the State of Montana, erect one or more platforms for the transfer of livestock, grain, and other commodities from wagons or otherwise to cars at each and every station or siding designated in such notice; such platforms to be erected so as not to endanger life and property. * * *

Sec. 3825. Erection of scales.—Every railroad company shall allow suitable scales to be erected either upon the platform or upon the grounds adjacent thereto, if upon their right of way, for weighing and shipping purposes.

Sec. 3826. Penalty.—Every railroad company neglecting or refusing to comply with the requirements of this act shall be deemed guilty of a misdemeanor, and be subject to a fine of not less than five hundred dollars for every thirty days such failure shall continue after notice as aforesaid.

Rev. Codes, 1921, Vol. 1, Pol. Code, ch. 260, p. 1420.

Sec. 3890 (1913). Commercial units of product or service; standard of measurement; examination and testing.—The commission [public service commission] shall ascertain and prescribe for each kind of public utility suitable and convenient commercial units of product or service. These shall be lawful units for the purposes of this act.

The commission shall ascertain and fix adequate and serviceable standards for the measurement of quality, pressure, initial voltage, or other conditions pertaining to the supply of the product or service rendered by any public utility, and prescribe reasonable regulations for examination and testing of such product or service and for the measurement thereof.

The commission shall provide for the examination and testing of any and all appliances used for the measuring of any product or service of a public utility. Any consumer or user may have any such appliances tested upon payment of the fees fixed by the commission. The commission shall establish and declare reasonable fees to be paid for testing such appliances on the request of the consumers or users, the fee to be paid by the consumer or user at the time of his request, which fees, however, shall be paid by the public utility and repaid to the complaining party, if the quality or quantity of the product, or the character of the service, be found by the commission defective or insufficient in a degree to justify the demand for testing; or the commission may apportion the fees between the parties as justice may require.

The commission may, in its discretion, purchase such materials, apparatus and standard measuring instruments for such examinations and tests as it may deem necessary.

The commission, its agents, experts, or examiners, shall have the power to enter upon any premises occupied by any public utility for the purpose of making the examinations and test provided in this act, and to set up and use on such premises any apparatus and appliances and occupy reasonable space therefor. Any public

utility refusing to allow such examinations to be made, as herein provided, shall be subject to the penalties prescribed in section 3888 of this code.

Rev. Codes, 1921, Vol. 2, Civil Code, Part 4, ch. 26, p. 430.

Sec. 7107 (1899). Measurement of water; cubic foot.—Hereafter a cubic foot of water (7.48 gallons) per second of time shall be the legal standard for the measurement of water in this State.

Sec. 7108. Miner's inch; equivalent in gallons.—Where water rights expressed in miner's inches have been granted, one hundred miner's inches shall be considered equivalent to a flow of two and one-half cubic feet (18.7 gallons) per second; two hundred miner's inches shall be considered equivalent to a flow of five cubic feet (37.4 gallons) per second, and this proportion shall be observed in determining the equivalent flow represented by any number of miner's inches.

Rev. Codes, 1921, Vol. 1, Pol. Code, Part 3, ch. 252, p. 1270.

Sec. 3454 (1911). Ex officio sealer of weights and measures.—The State coal mine inspector is hereby made, equally with the secretary of state, ex officio sealer of weights and measures, in so far as the same relates to coal mines and coal mining, and as such is empowered to test and compare all weights and measures used in weighing and measuring coal at any coal mine, or used in measuring air passages or other openings in coal mines, with the standards of weights and measures kept by the State sealer of weights and measures. Upon the written request of any coal mine owner or operator, or ten coal miners employed at any one mine, it shall be his duty to test and prove any scale or scales at such mine against which complaint is directed, and if he shall find that they or any of them do not weigh correctly, he shall call the attention of the mine owner, lessor, or operator to the fact, and direct that said scale or scales be at once overhauled and readjusted so as to indicate only true and correct weights, and he shall forbid the further operation of such scale until such scales are adjusted. In the event that such test shall conflict with any test made by any other sealer of weights and measures, or under and by virtue of any municipal ordinance or regulation, then the test by such State coal mine inspector shall prevail.

Sec. 3455. Standard test weights to be furnished.—For the purpose of carrying out the provisions of this act, the State coal mine inspector shall be furnished by the State with such sets of standard weights suitable for testing the accuracy of track scales, and of all smaller scales at mines, as may in the judgment of the State coal mine inspector be necessary; said test weights shall remain in the custody of the State coal mine inspector for use at any point within the State, and for any amounts expended by him for the storage, transportation, or the handling of the same, he shall be fully reimbursed upon making proper entry of the proper items in his expense voucher.

Sec. 3487. Check weighman.—The weighman employed at any mine shall subscribe to an oath or affirmation before some officer authorized to administer oaths, to do justice between employer and employee, and to truly and correctly weigh the output of coal from

the mines as herein provided. The miners employed by or engaged in working for any mine owner, operator, or lessee of any mine in this State shall have the privilege, if they desire, of employing at their own expense a check weighman, who shall have like equal rights, powers, and privileges in the weighing of coal as the regular weighman, and be subject to the same oath and penalties as the regular weighman. Said oath or affirmation shall be kept conspicuously posted in the weight office, and any weigher of coal or person so employed, who shall knowingly violate any of the provisions of this section, or any owner, operator, or agent of any coal mine in the State, who shall forbid or hinder miners employing or using a check weighman as herein provided, or who shall prevent or willfully obstruct any such check weighman in the discharge of his duty, shall be deemed guilty of an offense against this act. Whenever the State coal-mine inspector, or his deputy, shall be satisfied that the provisions of this section have been willfully violated, it shall be his duty to forthwith inform the prosecuting attorney of any such violation, together with all the facts within his knowledge, and the prosecuting attorney shall thereupon investigate the charges so preferred, and if he is satisfied that the provisions of this section have been violated, it shall be his duty to prosecute the person or persons guilty thereof.

Sec. 3488. Must not use false weights.—Any person or persons having or using any scale or scales for the purpose of weighing the output of coal at mines must not arrange or construct them so that fraudulent weighing may be done thereby, and must not knowingly resort to or employ any means whatsoever by reason of which such coal is not correctly weighed and reported in accordance with the provisions of this act.

NEBRASKA

Comp. Stats., 1922, Part 2, Title 3, Art. 18, p. 2335.

Sec. 7571 (a1921). Department of agriculture to enforce.—The department of agriculture shall enforce the provisions of this article. It shall make or cause to be made all inspections and shall have authority to promulgate such rules and regulations as may be necessary to promptly and effectively enforce the provisions of this act. It shall have authority to adopt such additional standards as are not specifically provided for in this act. It shall have authority to establish tolerances and specifications for commercial weighing and measuring apparatus for use in the State of Nebraska similar to the tolerances and specifications recommended by the United States Bureau of Standards, and may make reasonable regulations regarding the varieties or kinds of devices, attachments or parts entering into the construction or installation of weights and measures or weighing or measuring appliances which shall have for their object the tendency to secure correct results in the use of such appliances.

Sec. 7572. Standard weights and measures.—Such standard weights and measures as have been furnished to this State by the Government of the United States, in accordance with a joint resolution of Congress, approved June 14, 1836, and such weights, measures, balances and measuring devices as may be received from the United States as standard weights, measures, balances, and measuring devices, in addition thereto, or in renewal thereof, shall be authorized standards of the State of Nebraska.

Sec. 7573, as amended by Laws, 1923, ch. 10, p. 101. Bushel; subdivisions.—A bushel shall consist of two thousand one hundred and fifty and forty-two hundredths (2,150.42) cubic inches. The half bushel, peck, and half peck shall consist of the proper division and subdivision of the bushel.

Sec. 7574. Gallon.—A gallon shall consist of two hundred and thirty-one cubic inches.

Sec. 7575. Pound.—A pound avoirdupois shall consist of seven thousand grains in Troy weights.

Sec. 7576. Units of length and surface.—The units of standard, and measures of length and surface from which all other measures of extension, whether lineal, superficial or solid, shall be derived and ascertained, are the standards of length designated in this article. The yard is divided into three equal parts called feet and each foot into twelve equal parts called inches. For measures of cloth and other commodities commonly sold by the yard, the yard may be divided into halves, quarters, eighths and sixteenths. The rod, pole or perch contains five and one-half yards; the mile seventeen hundred and sixty yards. The chain for measuring land is twenty-two yards long, and is divided into one hundred equal parts called links. The acre for land measure shall be measured horizontally

and contain ten square chains, equivalent in area to a rectangle sixteen rods in length and ten in breadth, six hundred and forty acres being contained in a square mile.

Sec. 7577. Units of weights.—The units of standard of weight from which all other weights shall be derived and ascertained, shall be the standard weights designated in this article. The hundred weight consists of one hundred avoirdupois pounds, and a ton contains twenty hundred weights. Wherever hereafter in this article the word "pound" is used it shall mean the avoirdupois pound unless otherwise distinctly specified.

Sec. 7578. Units of dry measure.—The units of standards of measure of capacity for commodities not liquids, from which all other measures shall be derived and ascertained, shall be the standards for such commodities designated in this article. The peck, half peck, quarter peck, quart, pint, and half pint measures for measuring commodities which are not liquids shall be derived from the half bushel by successively dividing the measure by two.

Sec. 7579. Units of liquid measure.—The units of standards of measure of capacity for liquids, from which all other measures shall be derived and ascertained, shall be the standard liquid measures designated in this article. The liquid gallon shall be divided by continual division by the number two so as to make half gallons, quarts, pints, half pints and gills.

Sec. 7580. Electrical measures.—The standards of electrical measures recognized by the National Bureau of Standards, when procured by the State, shall be the standard of electrical mesures in the State of Nebraska.

Sec. 7581. Metric weights and measures.—The weights and measures of the metric system shall be legal weights and measures in the State of Nebraska.

Sec. 7582. Weights per barrel and per bushel.—Whenever any of the articles or commodities mentioned in this section shall be sold by the bushel or fractional part thereof, and no special agreement shall be made in writing, the measure thereof shall be ascertained by avoirdupois weight, and shall be computed as follows:

	Pounds		Pounds
Apples	48	Coal	80
Apples, dried	24	Coke	40
Alfalfa seed	60	Corn in ear, husked, (field)	70
Barley	48	Corn in ear, unhusked, (field)	75
Beans, green, unshelled	56	Corn shelled (field)	56
Beans, dried	60	Corn meal	48
Beans, Lima	56	Cucumbers	48
Beets	56	Emmer	48
Blue grass seed	18	Flax-seed[1]	56
Bran	20	Grapes, with stems	40
Bromus inermis	14	Hemp seed	44
Broomcorn seed	50	Hickory nuts, hulled	50
Buckwheat	50	Kaffir corn	56
Carrots	50	Lime	80
Castor beans, shelled	50	Millet seed	50
Charcoal	20	Oats	32
Cherries	40	Onions	57
Clover seed	60	Onion top sets	28

[1] The item, flax-seed, 56 pounds per bushel, is not given in the Comp. Stats., 1922, and must have been inadvertently omitted as it is given in an act approved April 23, 1921, Laws, 1919–21, ch. 10, p. 74.

	Pounds
Onion bottom sets	32
Orchard grass seed	14
Osage orange seed	32
Parsnips	50
Peaches	48
Peaches, dried	33
Peanuts	22
Pears	45
Peas, green, unshelled	50
Peas, dried	60
Plums	48
Popcorn on the ear	70
Popcorn, shelled	56
Potatoes	60
Quinces	48
Rape seed	50
Redtop seed	14
Rutabaga	60
Rye	56
Rye grass seed	22
Salt	80
Sand	130
Shorts	20
Sorghum saccharatum seed	50
Spelt (emmer)	48
Sweet corn	50
Sweet potatoes	50
Timothy seed	45
Tomatoes	56
Turnips	55
Walnuts, hulled	50
Wheat	60
All root crops not specified above	50

The net weight per barrel or per hundred or divisible merchantable quantities shall be as follows and no packages other than these sizes shall be permitted for sale in the State of Nebraska: Wheat flour per barrel, 196 pounds; per half barrel, 98 pounds; per quarter barrel sack, 48 pounds; per one-eighth barrel sack, 24 pounds; per one-sixteenth barrel sack, 12 pounds; per one thirty-second barrel sack, 6 pounds; rye flour, rye graham, wheat graham, whole wheat flour and corn meal in packages of the following weights: One hundred pounds, fifty pounds, twenty-five pounds, ten pounds and five pounds, or in cartons of three pounds, or one pound; and per one-thirty-second bushel sack or carton, 1½ pounds. Nothing in this article shall be construed to prohibit the sale in other sized packages, of flour prepared for special purposes.

Sec. 7583. Measurements of hay in stack.—Unless otherwise agreed to between the contracting parties the following shall constitute the legal method for measuring hay in the stack and determining the tonnage of same: The distance from the ground against one side of the stack to the ground against the other side of the stack, directly over and opposite, shall be taken in feet and inches; subtract from this measurement the average width of the stack and divide by two to obtain the average height of the stack; multiply the width by the height and the result so obtained by the average length of the stack, which will give the cubic feet of hay in the stack.

Sec. 7584. Contracts; sales; construed.—All contracts, sales or purchases hereafter made for work to be done, or for anything to be sold or delivered or done, by weight or by measure, within this State, shall be taken and construed in terms of and according to the standards of weights and measures adopted by this article, except where parties have agreed in writing upon any other calculations or measurements; and all statements and representations of any kind referring to the weights or measures of commodities sold or purchased, or exposed for sale, shall be understood in terms of the standards of weights or measures aforesaid.

Sec. 7585. Dry commodities; how sold.—All dry commodities not otherwise specified in this article shall be sold only by standard weight, numerical count or linear or surface measure, except where parties shall have a written agreement specifying some other unit of measure, or in the case of fruits and vegetables in containers, other than as specified in section 7586, where the container is labeled or

stamped designating the minimum weight, or the minimum numerical count.

Sec. 7586. Berries; small fruit.—All sales of blackberries, blueberries, cranberries, currants, gooseberries, raspberries, cherries, strawberries, and similar berries, also onion sets in package of one peck or less, may be sold by the quart, pint or half pint, dry measure; and all berry boxes sold, used, or offered for sale within the State shall be of an interior capacity of one quart, pint or half pint, dry measure. Any berry boxes not conforming to this section shall be confiscated by the inspector.

Sec. 7587. Milk; cream; bottles; liquid commodities.—All milk or cream that shall be sold in bottle shall be sold only in bottles containing half pints, pints, quarts, half gallons or gallons. All liquid commodities shall be sold only by standard liquid measure or standard weight, except where parties shall have a written agreement specifying some other unit of measure.

Sec. 7588. Butter packages.—A print or package of butter shall contain one pound avoirdupois.

Sec. 7589. False weights and measures.—Any person who, by himself, or by his servant or agent or as the servant or agent of another person, shall offer or expose for sale, sell, use in buying or selling of any commodity or thing for hire or award, or retain in his possession a false weight or measure or weighing or measuring device, or any weight or measure or weighing or measuring device which has not been sealed by the department of agriculture within two years, or who shall sell or offer or expose for sale less than the quantity he represents, or shall take or attempt to take more than the quantity he represents, when as the buyer, he furnishes the weight, measure, or weighing or measuring device by means of which the amount of the commodity is determined; or who shall keep for the purpose of sale, offer or expose for sale, or sell any commodity in a manner contrary to law; or who shall sell or offer to sell or use or have in his possession for the purpose of selling or using any device or instrument to be used, or calculated to falsify any weight or measure, shall be guilty of a misdemeanor. The possession of such weight, measure, scale, balance or beam shall be prima facie evidence that the same was intended to be used in violation of law, except as provided for in section 22 [7592] of this act.

Sec. 7590. Duties of inspectors.—When not otherwise provided by law the secretary of agriculture or his inspectors shall have the power, and it shall be his or their duty to inspect, test, try and ascertain if they are correct, all weights, measures and weighing and measuring devices, kept, offered, or exposed for sale, sold or used or employed by any proprietor, agent, lessee, or employee in proving or ascertaining the size, quantity, extent, area, or measurement of quantities, things, produce or articles of distribution or consumption purchased or offered or submitted by such person or persons for sale, hire or award; and he shall have the power to, and shall, from time to time, weigh or measure and inspect packages or amount of commodities of whatsoever kind kept for the purpose of sale, offered or exposed for sale, sold or in the process of delivery, in order to determine whether the same contain the amounts represented, and whether they be offered for sale or sold in a manner in accordance

with law. He may for the purposes above mentioned and in general performance of his official duties, enter and go into or upon, without formal warrant, any stand, place, building, or premises, or stop any vendor, peddler, junk dealer, coal wagon, ice wagon, delivery wagon, or any dealer whatsoever, and require him, if necessary, to proceed to some place which the secretary of agriculture or his inspectors may specify, for the purpose of making proper tests. Whenever the secretary of agriculture or his inspectors finds a violation of the statutes relating to weights and measures, he shall cause the violator to be prosecuted. He shall at least once annually test all scales, weights, and measures used in checking the receipts or disbursements or supplies in every institution for the maintenance of which moneys are appropriated by the legislature.

Sec. 7591. Sealing weights and measures.—Whenever the secretary of agriculture or his inspectors compares weights, measures, or weighing or measuring devices and finds that they correspond or causes them to correspond with the standards in his possession, he shall seal or mark such weights, measures or weighing or measuring devices with the appropriate seals or marks.

Sec. 7592. Confiscation of false weights and measures.—The secretary of agriculture or his inspectors may confiscate and seize without warrant any incorrect weight, measure, weighing or measuring device, or part thereof which does not conform to the State standards or specifications, and which in his or his inspector's best judgment is not susceptible to repair. He or his inspectors may also confiscate and seize any device required to be licensed by the department of agriculture, upon which the license fee has not been paid and said device does not bear the license tag of the current year. Any such inspector who shall make any such seizure shall not be liable to the owner of the property seized for damages caused by such seizure. Any property so seized if not returned to the owner within one year from date of seizure shall be destroyed. Such weights, measures, or weighing or measuring devices as are incorrect and yet may be repaired they shall mark or tag as "Condemned for repairs." The owners or users of any weights, measures, or weighing or measuring devices of which such disposition is made shall have the same repaired or corrected within thirty days, and they may neither use nor dispose of the same in any way, nor remove or deface any such "Condemned for repairs" tag or other mark or tag affixed by the secretary of agriculture or his inspectors until they shall have received from the department of agriculture written permission to do so. Any weights, measures, or weighing or measuring devices which have been "condemned for repairs," and have not been repaired as required above, or have been used or disposed of in any way shall be confiscated by the department of agriculture. The removal or defacing of such tag shall be prima facie evidence that the same was removed or defaced by and with the consent of the owner or user of the scale.

Sec. 7593. Hindering or obstructing.—Except as in this act otherwise provided any person, firm or corporation preventing, attempting to prevent, obstructing, hindering, or in any way interfering with the secretary of agriculture or his inspectors or agents in the

performance of his or their official duties, or knowingly failing or neglecting to observe any reasonable rule or regulation of the said secretary of agriculture adopted for the enforcement of this act, shall be deemed guilty of a misdemeanor.

Sec. 7594. Police powers.—The secretary of agriculture or his inspectors are hereby made special policemen, and are authorized and empowered to arrest any violator of the statutes in relation to weights and measures, to enter complaint before any court of competent jurisdiction, and to seize for use as evidence, without formal warrant, any false or unsealed weight, measure, or weighing or measuring device or package or amount of commodities found to be used, retained, or offered or exposed for sale or sold in violation of law.

Sec. 7595. Municipal inspection.—Any city or municipality in the State may establish a department of public inspection of weights and measures, and shall have the power to appoint a sealer and deputies and fix their compensation, and to pass such ordinances, not in conflict with the State laws, as may be deemed necessary; and if a city or municipality shall establish such a department, it shall provide the sealer with suitable quarters, a set of standards as hereinafter specified in this article, and all other equipment for the proper performance of his duties. All city and municipal standards shall be tried, proved and sealed under the direction of the department of agriculture and shall be returned to it for verification at least once in every five years.

Sec. 7596. Municipal standards.—Sets of standards for municipal sealers, if procured, shall include the following weights, measures, and balances, and they shall be of a type approved for such use by the department of agriculture: One yard measure divided into feet and inches, and at least one of the inches divided into thirty-seconds of an inch. Dry capacity measures: One half bushel, one peck, one quart and one pint. Liquid capacity measures: One gallon, one quart and one pint. Avoirdupois pound weights in the following number and denomination: One fifty-pound, one twenty-pound, two ten-pound, one five-pound, two two-pound, and one one-pound. Avoirdupois ounce and fractional ounce weight in the following number and denomination: One eight-ounce, one four-ounce, one two-ounce, two one-ounce, one one-half ounce, one one-quarter ounce, one one-eighth ounce, and two one-sixteenth ounce. Twenty test weights each of fifty pounds for testing platform scales and other large scales, if same are to be tested. One equal arm balance of capacity of fifty pounds to one-sixteenth of an ounce.

Sec. 7597. Supervision of local sealer; regulations.—The secretary of agriculture or his inspectors by his direction, shall at least once in each two years, or oftener if he feels it is for the best interest of the public, visit the various cities of the State in order to inspect the work of the local sealers; and in the performance of such duties, he or his inspectors by his direction may inspect the weights, measures, balances, or any weight or measuring appliance of any person, firm or corporation and shall have the same powers as the local sealer of weights and measures. He shall require a semi-annual report of the work done by the municipal sealer and shall issue from time to time, regulations for the guidance of all sealers, and the said regula-

tions shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties.

Sec. 7598. Immediate examinations.—Any inspector who may have reason to believe that any weight, measure, balance, weighing or measuring device used in trade, is inaccurate or not according to the standard, shall have the authority to make an immediate examination of the same and require that the same be tried and tested and conform to the standards herein required.

Sec. 7599. Compensation; fees; disposition.—The department of agriculture shall receive fees as follows: For inspecting and sealing; platform scales, each scale over nineteen thousand pounds capacity, five dollars; each scale over four thousand pounds capacity up to and including nineteen thousand pounds capacity, three dollars and fifty cents; each scale over six hundred pounds capacity up to and including four thousand pounds capacity, two dollars; each scale over one hundred pounds capacity up to and including six hundred pounds capacity, seventy-five cents; each scale over five pounds capacity up to and including one hundred pounds capacity, fifty cents; each scale of five pounds capacity or less, twenty-five cents; for hopper or grain shipping scales except automatic scales, each scale of over ten thousand pounds capacity, ten dollars; each scale over five thousand pounds capacity up to and including ten thousand pounds capacity, five dollars; each scale of five thousand pounds capacity or less, three dollars and fifty cents; and for each automatic scale up to and including six hundred pounds capacity, three dollars and fifty cents; and each automatic scale over six hundred pounds capacity, five dollars; and shall be entitled to collect from the owner or custodian of such scales herein mentioned an amount sufficient to cover the cost of transporting all necessary test weights to and from the location of said scales. For sealing or marking each beam, ten cents; for sealing or marking measures of extension, ten cents per yard or fraction thereof, not exceeding fifty cents for any one measure. For sealing or marking liquid or dry measures, ten cents for each measure; for measuring pumps or automatic tanks of one gallon or less, twenty-five cents; for measuring pumps or automatic tanks of over one gallon, fifty cents; and for linear measuring devices, fifty cents; for sealing or marking each weight, five cents; for the inspection of any weighing of measuring device not listed in this section, the secretary of agriculture shall have the authority and power to fix a fee. He shall have a reasonable compensation for making weights and measures conform to the standard in his possession. The secretary of agriculture shall not require any fee from any county or city and all fees collected by the secretary of agriculture or such part as is necessary shall be used in the proper enforcement of this act, the balance to be paid to the State treasurer and credited to the general fund. The inspection and sealing fees herein provided for shall be and constitute a lien on the weights, scales, measures, weighing or measuring devices inspected until said fees are paid and the secretary of agriculture may sue therefor in the name of the State.

Sec. 7600. Public scales.—Scales may be erected in the State of Nebraska for public use at public expense. In counties under township organization, a township may at the annual meeting provide for the

erection and determine the location and number of scales for the township and levy a tax to pay for the same.

Sec. 7601. Weighmaster.—When such scales are provided for, the township board shall appoint a weighmaster, upon petition of the electors living in the immediate vicinity of the scales so located who shall, under oath, promise to perform the duties of his office faithfully and honestly and the weighmaster so appointed shall continue in office until removed by the township board or by resignation.

Sec. 7602. Scales; testing.—The township board shall from time to time, as in their judgment seems necessary, test the scales as to their accuracy and properly adjust same.

Sec. 7603. Disputes.—Whenever disputes arise between two parties, within the limit of the township where such scales are located, over the first weighing of any articles, the same shall be weighed a second time on the public scales, and the weighmaster's receipt therefor shall be final.

Sec. 7604. Fees for weighing.—The township board shall fix and regulate the fee or salary of the weighmaster and the fees, if any, for weighing.

Sec. 7605. Petitions for scales.—Townships in counties under the commission organization, desiring to adopt the provisions of the five next preceding sections, shall petition to the county board of such county, and where a majority of the electors so petition, the same shall be granted. All duties and powers imposed upon township officers by said sections where counties are under township organization shall be performed by the county board of counties under commission organization.

Sec. 7606. Size of brick.—The standard size of brick sold in the State of Nebraska shall be eight and one-fourth inches long, four inches wide, and two and one-half inches thick.

Sec. 7607. Brick; selling.—No person shall sell any brick of any size other than that specified in the next preceding section, without, at the time of the sale, notifying the purchaser, in writing of the size of such brick.

Sec. 7608. Coal, coke, and charcoal; rules for sale of.—It shall be unlawful to sell or offer to sell in this State any coal, charcoal, or coke in any other manner than by weight. No person, firm or corporation shall deliver any coal, charcoal or coke, without each such delivery being accompanied by a delivery ticket and duplicate thereof, on each of which shall be in ink or other indelible substance, distinctly expressed in pounds, the gross weight of the load, the tare of the delivering vehicle, and the net amount in weight of coal, charcoal or coke contained in the cart, wagon or other vehicle used in such deliveries, with the name of the purchaser thereof and the name of the dealer from whom purchased. One of these tickets shall be surrendered by the person in charge of the load to the inspector upon demand, for his inspection, and a ticket or weight slip issued by the inspector when the inspector desires to retain the original, shall be delivered to said purchaser of said coal, charcoal or coke, or his agent or representative at the time of the delivery of the fuel; and the other ticket shall be retained by the seller of the fuel. When the buyer carries away the purchase, a delivery ticket, showing the actual number of pounds delivered must be given to the purchaser

at the time delivery is made. The secretary of agriculture or any of his inspectors or assistants are hereby empowered to compel the party or parties having charge of such coal, charcoal or coke to bring same on demand to a scale designated by the said secretary of agriculture or his assistant or inspector and weighed for the purpose of proving the true net weight of the article or commodity.

Sec. 7609. Automatic pay scales; license for.—It shall be unlawful for any person, firm or corporation by himself, or as the officer, servant, agent, or employee of any person, firm or corporation to operate or use or display for use any scale or scales, known as money in the slot or automatic scale or scales or any weighing device, apparatus or machine, which is usd or intended for use to determine the weight of any person or persons, where compensation is derived, or any public or custom scale for which a fee is charged or accepted for weighing, unless said scale or device is licensed by the department of agriculture. Upon payment of the license fee of three dollars, the department of agriculture shall issue a metal license tag, tags to be numbered consecutively and bear the year for which the license is valid. The tag shall be displayed prominently on the front of the weighing device and the defacing or wrongful removal of such tag shall be deemed a misdemeanor. Absence of the license tag shall be prima facie evidence that the weighing device is being operated contrary to law. No license shall be issued until the annual fee of three dollars is paid to the department of agriculture for each scale or weighing device operated or used. Any person desiring to secure said license shall make application therefor upon blank to be furnished by the department of agriculture. The department of agriculture may withhold or revoke any license for cause. All licenses issued under this act shall expire December thirty-first of each year.

Sec. 7610. Violation; penalty.—Any person, firm or corporation violating any of the provisions of this act, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars or by imprisonment in the county jail for not more than thirty days: *Provided, however*, That upon the second conviction for the violation of any of the provisions of this act such offender shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than ninety days.

Sec. 7611. One clause held invalid, not invalidate another.—If any clause, sentence, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Sec. 7622a (1919). Marks and brands; contents specified; cotton duck or canvas.—Any person or corporation who shall manufacture for sale, or who may offer or expose for sale any cotton duck or canvas, made in whole or in part of cotton duck or canvas, shall distinctly and durably stamp, brand, or mark thereon the true and correct weight of such cotton duck or canvas, by ounces per yard, also the true grade (single filling, double filling, army, roll or wide duck),

together with a description by name of any filler or other preparation placed in or on said cotton duck or canvas since is [its] manufacture.

Sec. 7622b. Unlawful to sell unmarked goods.—It shall be unlawful for any person or corporation either individually or in any representative capacity to carry for sale, sell or endeavor to sell any cotton duck or canvas as herein defined, or any article other than clothing and wearing apparel, composed of, made in whole or in part of any cotton duck or canvas without having marked thereon the true and correct weight of said canvas or cotton duck by ounces per yard, also the true grade (single filling, double filling, army, roll or wide duck), together with a description by name of any filler or other preparation placed in or on said cotton duck or canvas since its manufacture, or to misstate, misrepresent or conceal the true weight of said canvas or cotton duck by ounce per yard, or to misstate, misrepresent, or conceal the true grade (single filling, double filling, army, roll or wide duck), or to misstate, misrepresent, or conceal the existence of any filler or other preparation placed in or on said cotton duck or canvas since its manufacture.

Sec. 7622c. Unlawful to conceal size and dimensions of goods.—It shall be unlawful for any person or corporation either individually or in representative capacity, selling, carrying for sale, or endeavoring to sell any awnings, paulins, wagon covers, tents, grain and hay covers, stable or tent tops, to misstate or misrepresent, or conceal the true and correct size and dimensions thereof.

Sec. 7622d. Unlawful to deface marks.—It shall be unlawful for any person to deface, mutilate, obscure, conceal, efface, cancel or remove any mark provided for by this act, cause or permit the same to be done with intent to mislead, deceive, or to violate any of the provisions of this act.

Sec. 7622e. Cotton duck or canvas defined.—For the purpose of this act cotton duck or canvas shall be deemed to include all cotton duck or canvas, whether single filling, double filling, army, roll or wide duck.

Sec. 7622f. Yard and ounce defined.—For the purpose of this act, the equivalent of thirty-six inches in length by twenty-nine inches in width, or seven and one-fourth square feet of cotton duck or canvas shall constitute a yard, and an ounce shall be one-sixteenth part of a pound avoirdupois.

Sec. 7622g. Violation; penalty.—Any person, company, or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall for the first offense be punished by fine of not less than twenty-five dollars nor more than fifty dollars and for each subsequent offense by a fine not less than fifty dollars nor more than one hundred dollars.

Comp. Stats., 1922, Part 2, ch. 40, Art. 1, p. 1165.

Sec. 3489 (a1921). Additional powers; weights, measures, and inspection; bread.—In addition to the powers herein granted, cities[2] governed by this act shall have power by ordinance: * * *

VII. To regulate the weighing and measuring of hay, wood, and other articles exposed for sale, and of all coal sold or delivered

[2] Applicable to cities heretofore incorporated as cities of the metropolitan class (Omaha) and all cities which shall attain a population of 100,000 inhabitants.

within the city, and to provide for, license, and regulate the inspection and sale of meats, flour, poultry, fish, milk, vegetables and all other provisions or articles of food exposed or offered for sale in the city, and to prescribe the weight and quality of bread exposed or offered for sale in the loaf. Also to provide for the inspection of weights and measures or weighing apparatus.

Comp. Stats., 1922, Part 2, ch. 42, Art. 2, p. 1271.

Sec. 3799 (1901). Ordinances and powers.—In addition to the powers herein granted, cities[3] governed under the provisions of this chapter shall have power by ordinance:

Sec. 3811. Regulate weighing and measuring.—To establish standard weights and measures, and regulate the weights and measures to be used in the city, and to regulate the measuring of every commodity sold in the city, in all cases not otherwise provided by law, and to prohibit the use of imperfect weights, measures and weighing apparatus.

Sec. 3812. Inspect and regulate sale of fuel, grain, and hay.—To provide for the inspection and weighing of hay and grain and coal, the measuring of wood and fuel to be used in the city, and to determine the place or places of the same, and to regulate and prescribe the place or places of exposing for sale hay, coal and wood; to fix the fees and duties of persons authorized to perform such duties.

Comp. Stats., 1922, Part 2, ch. 44, Art. 2, p. 1331.

Sec. 3986 (1901). Powers.—In addition to the powers herein granted, cities[4] governed under the provisions of this chapter shall have power by ordinance:

Sec. 4007. Weights and measures.—To establish standard weights and measures and to regulate weights, meters and measures to be used in the city, and to regulate the weighing and measuring of every commodity sold in the city, including water, gas and electric light, in all cases not otherwise provided by law; and to prohibit and punish the use of imperfect weights, measures, weighing apparatus and meters.

Sec. 4008. Meter, fuel and feed inspection.—To provide for the inspection of electric light, water and gas meters, and the inspection and weighing of hay, grain and coal and the measuring of wood and fuel to be used in the city, and to determine the place or places of the same, and to regulate and prescribe the place or places of exposing for sale of hay, coal and wood and to provide for the appointment of an inspector, and to fix the fees and duties of the inspector and of other persons authorized to perform such duties.

Comp. Stats., 1922, Part 2, ch. 45, p. 1389.

Sec. 4162 (a1885). Classification, population required.—All cities, towns and villages containing more than one thousand and less than five thousand inhabitants shall be cities of the second class and be governed by the provisions of this article, unless they adopt a village government as hereinafter provided.

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[3]Applicable to cities having a population of more than 40,000 and less than 100,000 inhabitants.

[4]Applicable to cities having less than 25,000 and more than 5,000 inhabitants.

Sec. 4278 (a1887). Powers granted to exercise by ordinance.—In addition to the powers hereinbefore granted cities and villages under the provisions of this chapter each city and village may enact ordinances for the following purposes:

Sec. 4302 (1887). Established weights and measures.—To establish standard weights and measures and regulate the weights and measures to be used in the city or village, and to regulate the weighing and measuring of every commodity sold in the city or village in all cases not otherwise provided by law.

Sec. 4303. Inspection and weighing of merchandise.—To provide for the inspection and weighing of hay, grain and coal, the measuring of wood and fuel to be used in the city or village, and to determine the place or places of the same, and to regulate and prescribe the place or places of exposing for sale hay, coal and wood; to fix the fees and duties of persons authorized to perform the duties named in this subdivision.

Comp. Stats., 1922, Part 3, Title 3, Art. 5, p. 2297.

Sec. 7429 (a1921). Misbranding of food defined; net weight, measure or count; in case of liquids; slack filled packages.—The term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product, which is falsely branded as to the State, Territory, place or country in which it is manufactured or produced.

An article shall also be deemed to be misbranded * * *

(*b*) In the case of food: * * *

3. If in package form, if each package, does not have a correct statement, clearly printed on the outside of the package, of the contents and the quantity of the contents in terms of weight, measure, or numerical count; and in case of wheat flour the name of the manufacturer and the place where manufactured: *Provided, however*, That the provisions of this paragraph shall not apply to packages put up by the retailer at the time of sale.

4. If the true quantity in container (in case of liquids other than medicines) is not correctly stated thereon.

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7. If in package form and irrespective of whether or not the quantity of the contents be plainly and legibly stated on the outside of the package in terms of weight, measure or numerical count, if package be not filled with the food it purports to contain.

Comp. Stats., 1922, Part 2, ch. 12, Art. 3, p. 266.

Sec. 484 (a1909). Label placed on binder twine.—A stamp or label shall be placed on every ball of binder twine sold, exposed or offered for sale in this State, giving the name of the manufacturer or importer, the number of feet to the pound in such ball, the material from which it is made, the tensile strength, and the per cent of oil it contains and the date of manufacture.

Sec. 485 (1901). Penalty for failure to label.—Every manufacturer, importer or dealer, who fails to comply with the provisions of the next preceding section, shall upon conviction, be liable to a fine of twenty-five cents for each and every such ball sold, offered or exposed for sale: *Provided, however*, The deficiency in length shall not exceed five per cent of the amount as stated on the label or stamp, as herein provided.

Comp. Stats., 1922, Part 3, Title 3, Art. 13, p. 2320.

Sec. 7513 (a1919). Paint, weight or measure to be shown on label.—The label required by this article shall be printed in the English language, in clear, legible type, and shall clearly and distinctly state the name and residence of the manufacturer of the paint, or the distributer thereof, or of the party for whom the same is manufactured, * * *. In case of paint, * * * the label thereof shall state * * * the quantity contained in the package, which, in the case of liquid or mixed paints, shall be designated in standard gallons or fractions thereof, and in the case of paste or semipaste paints, such as are commonly sold by weight, the avoirdupois weight.

Sec. 7515a (1919). Possession of mislabeled paint or oil.—Possession by any person dealing in said articles, of any article or substances hereinbefore described not properly labeled, as provided in this article, shall constitute prima facie evidence that the same is kept by such person, in violation of the provisions of this article.

Sec. 7515b. Violation; penalty.—Any person violating any of the provisions of this article, shall be fined in any sum not exceeding one hundred dollars or imprisoned in the county jail not exceeding three months.

Comp. Stats., 1922, Part 5, ch. 11, Art. 4, p. 3036.

Sec. 9905 (a1893). Fraud in weighing commodities.—Any person or persons who shall knowingly and wilfully sell, or direct, or permit any person or persons in his or their employ to sell any commodity or article of merchandise, and make or give any false or short weight or measure, or any person or persons owning or keeping or having charge of any scales or steelyards for the purpose of weighing livestock, hay, grain, coal or other articles, who shall knowingly and wilfully report any false of [or] untrue weight, whereby any other person or persons may be defrauded or injured, shall be fined in any sum not exceeding fifty dollars, or be imprisoned in the jail of the county not exceeding thirty days, and also be answerable to the party defrauded or injured in double damages.

Sec. 9906 (1893). Articles put up in casks, cases, etc., to be weighed and marked.—Any person, agent, or clerk who shall put up, or shall order or procure any other person to put up or pack sugar, rice, tobacco, soap, starch, candles, cheese or any goods or articles sold by weight, packed in kegs, barrels, tierces, casks, boxes, hogsheads, or any case whatever, shall in every instance first weigh the entire box or cask or whatever it may be, and plainly cut or mark upon the head or most convenient part thereof, the exact number and fractions of pounds it weighs, and when packed or filled shall again ascertain the whole weight, and place the same immediately above the cut or marked tare weights, and subtract the one from the

other, showing the net weight of the contents, which calculation shall not be obliterated while the bulk remains unbroken; and said articles, until the bulk is broken, shall be sold by the net weight: *Provided, however*, Nothing in this section shall be so construed as to release any person from the liability of allowing the actual tare at the time of sale on all kegs, barrels, tierces, casks, boxes, hogsheads or cases containing articles which by their nature are liable to change their original tare.

Sec. 9907. Change of marks on lids, etc.—Any brand, mark or stamp, put upon any keg, barrel, box, cask, hogshead or case by the manufacturer, indicating the articles, its quality, quantity or the manufacturer's name or either of them, shall be considered the manufacturer's certified brand, stamp or mark, and shall be put thereon in such manner as to be identified by the manufacturer or his authorized agent, which shall be subject to no erasure or obliteration; neither shall such box lids, keg, barrel, hogshead, tierce or cask heads, be transferred from one to the other, for the purpose of taking advantage of said brands, stamps or marks, to sell an inferior article, or repacking take place, putting an inferior article into a superior branded keg, barrel, cask, hogshead, box or case, to accomplish the same design; or to mark or remark anything containing pound bulk, so as to hide from view the original manufacturer's mark, stamp or brand.

Sec. 9908. Penalty for violation of last two sections.—Whoever, directly or indirectly, transgresses any of the provisions enumerated in the last two preceding sections shall, in all cases, pay to the party aggrieved double the value of the difference between the actual quantity contained in such keg, barrel, cask, tierce, box or hogshead or in whatever the same may be contained, and the net quantity or weight for which the same may have been sold; and for the first offense be subject to a fine not less than twenty nor more than sixty dollars, or imprisonment in the county jail not less than thirty days nor more than sixty days; and for the second and every subsequent offense shall be subject to a fine not less than fifty dollars nor more than two hundred dollars, or imprisonment in the county jail not less than thirty nor more than ninety days.

Comp. Stats., 1922, Part 3, Title 3, Art. 15, p. 2326.

Sec. 7532 (1919). Feeding stuff, net weight to be marked.—Every lot, barrel, bag, pail, parcel or package of concentrated commercial feeding stuff, as defined in section 7531 shall have affixed thereto a tag or label in a conspicuous place on the outside thereof, containing a legible and plainly printed statement in the English language, in type as large as ten point, clearly and truly certifying:

1. The net weight of the package. * * *

3. The name and address of the manufacturer, importer, dealer or agent. * * *

Comp. Stats., 1922, Part 3, Title 3, Art. 16, p. 2328.

Sec. 7540 (1919). Live stock remedy, net weight to be marked.—Every barrel, bag, pail, parcel or package of live stock remedy as defined in section 1 [section 7539] of this article shall have affixed thereto in a conspicuous place on the outside thereof, distinctly printed in the

English language in legible type, not smaller than eight-point heavy Gothic caps, or plainly written, a statement certifying:

1. The net weight or measure in the package. * * *

3. The name and address of the manufacturer, importer, dealer or agent. * * *

Comp. Stats., 1922, Part 3, Title 3, Art. 19, p. 2349.

Sec. 7623 (1919). Fertilizer, net weight to be marked.—That any person, firm or corporation, their agent or employe who shall offer, sell or expose for sale by sample or otherwise in the State of Nebraska any commercial fertilizer or fertilizer material, the selling price of which is more than three dollars per ton, shall attach to each bag or package in a conspicous place on the outside thereof or furnish to the purchasers of goods sold in bulk a plainly printed certificate giving the items as listed below and in the following order:

1. Number of pounds net in the package sold.

2. Brand name or trade-mark under which the package is sold. * * *

Comp. Stats., 1922, Part 2, ch. 35, Art. 2, p. 1134.

Sec. 3408 (1873). Same; measures and toll dishes.—He [the owner or occupier of public mill] shall keep in his mill an accurate half-bushel measure and an accurate set of toll dishes.

Comp. Stats., 1922, Part 3, Title 7, Art. 5, p. 2601.

Sec. 8440 (1919). Standard measurements of water; miner's inch.—The standard of measurement for flowing water, both for determining the flow of water in natural streams and for the purpose of distributing it therefrom when appropriations shall have been made for direct flow shall be one cubic foot per second of time. The standard of measurement of the volume of water shall be one acre foot, equivalent to forty-three thousand five hundred sixty cubic feet, and when water is stored in any natural or artificial reservoir, this standard shall be used for determining the capacity of storage reservoirs, the amount stored and the amount used therefrom. One "miner's inch" shall be one-fiftieth of one cubic foot per second.

Sec. 8445. Headgates in measuring devices; failure to construct.—Persons owning or controlling any ditch, canal or reservoir for the purpose of storing or using water for any purpose shall, upon thirty days' notice by the department, construct and maintain at the point of diversion a substantial headgate, of a design approved by the department so built that it may be closed, or partially closed and fastened at any stage with lock or seal. They shall also construct a device for measuring and apportioning the water appropriated, which device shall be of a design approved by the department and built at the most practical point to be selected and fixed by it. If they shall neglect or refuse, for a period of ten days, to construct such headgate and measuring device the department shall refuse to allow any water to be delivered to or used by or through any such ditch, canal or reservoir or any other contrivance or device for appropriating, using or storing water, and the department may construct bars or dams or other obstructions to prevent such delivery or use.

Sec. 8450 (a1921). Measuring devices, how constructed.—Under the direction of the department of public works, managers or operators of interstate ditches shall construct and maintain a suitable measuring device at or near the State line in Nebraska. Thirty days after receipt of notice from the department of public works shall be the time allowed for the construction and completion of said measuring device, and daily gage height reports of water passing through said measuring device shall be furnished to the department from the beginning to the end of the irrigation season, in such form and manner as shall be recommended by the department. Failure of any person or persons operating or in control of said canals to comply with the provisions of this section shall be deemed a misdemeanor, and such person or persons, upon conviction thereof, shall each be fined in the sum of not less than twenty-five dollars nor more than one hundred dollars.

Comp. Stats., 1922, Part 2, ch. 2, Art. 5, p. 146.

Sec. 146 (1911). Furnish scales and yards.—Every stockyard shall furnish scale facilities sufficient to weigh all livestock without unreasonable delay. It shall furnish yardage to handle all livestock in yards and no charge shall be made for yardage where yards are not furnished.

Comp. Stats., 1922, Part 2, ch. 59, Art. 5, p. 1691.

Sec. 5371 (1921). Mixed shipments defined.—"Mixed shipments" of livestock as used in this act include car lots, containing two or more of the following classes of livestock: Cattle, sheep, hogs and goats.

Sec. 5372. Carload, minimum weights.—Seventeen thousand pounds shall be the minimum weight for a carload of such mixed stock shipped in a single-deck standard car of approximately thirty-six feet in length. Such minimum weight shall be more or less than seventeen thousand pounds in proportion as such car is more or less than thirty-six feet long. In a mixed shipment of livestock, the rate of the species having the highest rate may be the rate of such shipment.

Sec. 5373. Violation; penalty.—Any railroad comapny failing to comply with the provisions of this act shall be subject to a penalty of not less than twenty dollars, nor more than one hundred dollars, for each and every violation of this act; said penalty may be recovered for the use of the county in a civil action in the name of the State by the county attorney of any county through which such railroad may pass.

Comp. Stats., 1922, Part 2, ch. 59, Art. 5, p. 1691.

Sec. 5346 (1911). Weighing cars, freight.—The Nebraska State railway commission shall have power, and it shall be its duty to enforce reasonable regulations for the weighing of cars and of freight offered for shipment or transported within this State.

Sec. 5347. Track scales.—All track scales used by common carriers for the purpose of weighing freight shipped in carload lots within this State shall be under the control and direction and jurisdiction of the commission and subject to inspection by it or under its direction.

Sec. 5348. Same, inefficient.—The commission shall have power either on its own motion or on complaint being made to determine

whether any such track scale is defective or inefficient, or whether the time, manner or method of using same is unreasonable, ineffective or unjust, and shall have power to condemn any such scale found to be defective or inefficient and prohibit the use of the same while in that condition, and to render such decision and to make such order, rule or regulation as may be deemed necessary or advisable.

Sec. 5349. Violation of act; penalty.—Any officer, agent or representative of any railway company or common carrier, who shall violate any of the provisions of the five next preceding sections, or who shall fail or refuse to obey and carry out any decision, order, rule or regulation of the Nebraska State Railway Commission, duly entered in conformity with the provisions of the five next preceding sections, shall be guilty of a misdemeanor and upon conviction shall be fined for each offense a sum of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than ten days nor more than thirty days, or both.

Sec. 5350 (1907). Track scales.—Every person, firm or corporation engaged in operating any railroad within the State of Nebraska, over which coal and other commodities in carload lots shall be transported for hire, shall equip the line of its track and thereafter maintain thereon in good order track scales of sufficient capacity to weigh full carloads of any and all kinds of merchandise, coal, grain or other property that may be transported over the said railroad, and to weigh the same at the request of any owner, consignor or consignee of such property and furnish written certificates of such weights to such owner, consignor and consignee as hereinafter provided.

Sec. 5351. Same, where installed.—Such track scales shall be so installed and maintained at all division stations along the line of such railroads within the State of Nebraska, and at such other stations as the State railway commission shall from time to time direct.

Sec. 5352. Weighing certificates.—The owner, consignor or consignee of any carload lots of grain, coal, merchandise or other property in course of transportation over any railway within the State, transporting the same for hire, may request in writing any agent of the operators of such railway to weigh any such carloads of grain, coal, merchandise or other property in course of transportation and, upon such request being received, it shall become the duty of the operators of such railroad to weigh the car or cars designated in such written request, together with their contents, upon such track scale as may be designated in such written request, over which such car or cars in the regular course of transit will thereafter pass, and deliver to the person making such request a written certificate showing the name and number of the car so weighed, the date of the taking of such weight and the place where weighed, with the number of pounds of gross and net weights, after deducting the tare marked on the car from such gross weight. The certificate so executed and delivered shall be admissible evidence against such railway company in any legal proceeding thereafter instituted or then pending against any such carrier weighing and transporting the property contained in such car or cars of all the facts stated in such certificate.

Sec. 5353. Same, where no scales.—Wherever any carload lot of merchandise, coal, grain or other property shall be delivered for trans-

portation for hire to any carrier by railroad within this State consigned to any person at a station on the line of the railroad of such carrier, or upon any other railroad within this State, where no track scale is located and maintained, and such car in the course of transit will not pass a track scale on the line of such connecting carrier, it shall immediately become the duty of such initial carrier to cause the same to be weighed in the manner required by the next preceding section on the track scale located nearest the station to which such car is consigned, and to stamp upon the way bill for such car, all of the matters required to be set out in the certificate provided for in the next preceding section; but where coal, grain, merchandise or other property in carload lots is consigned to stations where track scales are located and the consignee requests the same weighed, such weights shall be taken, both gross and tare, with the car uncoupled, on such track scales at the point of destination.

Sec. 5354. Violation of act.—Any railroad company operating in this State violating any of the provisions of the four next preceding sections, by neglecting or refusing to furnish weights as herein provided, shall, upon conviction thereof, be fined in the sum of one hundred dollars for each and every such violation to be recovered by the State in an action in its name upon complaint of any owner, consignor or consignee of the property which such carrier may refuse to weigh made before any court of competent jurisdiction.

Comp. Stats., 1922, Part 3, Title 3, Art. 6, p. 2302.

Sec. 7450 (1919). Fraud in testing milk or cream.—No person receiving milk or cream by weight or test or by weight and test, shall fraudulently manipulate the weights of milk or cream or take unfair samples thereof, or fraudulently manipulate such samples in any way. No person buying and paying for milk or cream on the basis of the amount of fat contained therein shall under-read, over-read or otherwise fraudulently manipulate the Babcock test used for determining the percentage of fat in milk or cream or to falsify the record thereof or to read the test at any temperature except between 135 degrees and 140 degrees Fahrenheit, or to pay on the basis of any measurement or weight except the true measurement or weight, which is seventeen and six-tenths cubic centimeters for milk and nine grams for cream. In all tests made under the provisions of this section the cream shall be weighed into the test bottle.

Sec. 7451 (a1921). Standard glassware for testing milk and cream.—Every person buying or paying for milk or cream on a basis of the amount of butter fat contained therein as determined by the Babcock test, shall use standard Babcock test bottles, pipettes and weights, and accurate scales. All test bottles, pipettes and weights shall be inspected by the department of dairy husbandry of the University of Nebraska, and if found accurate shall be legibly marked by said department with the letters "S. G. N." (Standard Glassware Nebraska). The fee for such standardization shall be three cents for each piece of glassware and each weight so tested and marked, and said fee shall be paid to the department of dairy husbandry. No bottle, pipette, or weight shall be used for such test unless so examined and marked by said department of dairy husbandry of the State university. It shall be unlawful for any person to use or have in

their [his] place of business any other than standard test bottles, pipettes, and weights which have been examined and marked as provided in this section.

Sec. 7452. Standards for scales and test bottles for milk and cream.—For the purpose of this article the scales used in the performance of the Babcock test for the purchase of milk or cream on a butter fat basis shall be of the one bottle type and sensitive to at least twenty-five milligrams at full lead [load]. The standard milk test bottle shall have a total per cent graduation of eight or ten. The graduated portion of the neck of the eight per cent bottle shall have a length of not less than two and one-half inches and the graduated portion of the neck of the ten per cent bottle shall have a length of not less than three inches and each shall be graduated to tenths per cent. The error at any point of the scale shall not exceed one-tenth per cent; total height of bottle shall be between five and seven-eighths and six and one-half inches. The standard cream test bottle shall be a fifty per cent, nine gram bottle, the total per cent graduation shall be fifty. The graduated portion of the neck shall have a length of not less than three inches and shall be graduated to five-tenths per cent. The error at any point of the scale shall not exceed five-tenths per cent. Total height of the bottle shall be between five and seven-eighths and six and one-half inches.

The standard Babcock milk pipette shall be graduated to deliver seventeen and six-tenths cubic centimeters of water at 20 degrees C. in five to eight seconds, the standard weight shall be nine grams.

Sec. 7453. Violation; penalty.—Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than ten dollars, nor more than one hundred dollars, or be imprisoned in the county jail not exceeding three months.

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Rev. Laws, 1912, Vol. 1, p. 1381.

Sec. 4792 (1911). Government standards of weights, measures, etc., adopted.—The standard weights and measures as have been adopted by the Government of the United States of America, and such weights, measures, balances and measuring devices as heretofore have been, or hereafter may be, furnished this State by the United States, as standard weights, measures, balances and measuring devices, shall be the legal standard of weights and measures throughout the State of Nevada. This section shall not prevent the use of the weights and measures of the metric system, authorized by Congress of the United States, as it appears in the Revised Statutes of the United States.

Sec. 4793. Defining yard and fractions.—The unit of standard measure of length and surface, from which all other measures of extension, whether lineal, superficial or solid, shall be derived and ascertained, is the standard yard, adopted by the Government of the United States. The yard shall be divided into three equal parts, called feet, and each foot into twelve equal parts, called inches. For the measure of cloth and other commodities commonly sold by the yard, it may be divided into halves, quarters, eighths and sixteenths.

Sec. 4794. Defining rod, perch, and mile.—The rod, pole, or perch shall contain five and a half standard yards, and the mile, one thousand seven hundred and sixty such yards. The chain for measuring land shall be twenty-two standard yards long, and be divided into one hundred equal parts, called links.

Sec. 4795. Acre and square mile defined.—The acre for land measure shall be measured horizontally, and contain ten square chains, and be equivalent in area to a rectangle sixteen rods in length and ten rods in breadth. Six hundred and forty acres shall be contained in a square mile.

Sec. 4796. Perch.—The perch of mason work or stone shall consist of twenty-five cubic feet.

Sec. 4797. Units of weight.—The units of standards of weights from which all other weights shall be derived and ascertained shall be the standard avoirdupois and troy weights adopted by the Government of the United States.

Sec. 4798. Pound; ton; ounce.—The avoirdupois pound which bears to the troy pound the ratio of seven thousand to five thousand seven hundred and sixty, shall be divided into sixteen equal parts called ounces. The hundredweight, except of pig iron and iron ore, shall consist of one hundred avoirdupois pounds, and twenty hundredweight shall constitute a ton. The troy ounce shall be equal to the twelfth part of a troy pound. Whenever hereafter in this act the word pound is used it shall mean the avoirdupois pound unless otherwise distinctly specified.

Sec. 4799. Gallon; quart; pint; gill.—The unit of standard measure of capacity for liquids from which all other measures of liquid shall be derived and ascertained shall be the standard gallon, adopted by the Government of the United States. The half-gallon, quart, pint, half-pint and gill measures for measuring liquids shall be derived from the gallon by dividing it and each successive measure by two.

Sec. 4800. Barrel; hogshead.—The barrel shall contain thirty-one and one-half gallons and two barrels shall constitute a hogshead.

Sec. 4801. Bushel, etc.—The unit of standard measure of capacity for commodities other than liquids, from which all other measures of such commodities shall be derived and ascertained, shall be the standard bushel measure adopted by the Government of the United States. The half-bushel, peck, half-peck, quarter-peck, quart, and pint measures for measuring commodities other than liquids shall be derived from the bushel by dividing it and each successive measure by two.

Sec. 4802. Barrel and bushel of certain commodities.—Whenever any of the following articles shall be contracted for, or sold, or delivered, and no special contract or agreement shall be made to the contrary, such sale and computations for payment or settlement thereof shall be by weight. The net weight per barrel or bushel, or divisible merchantable quantities of a barrel or bushel, shall be as follows:[1]

Wheat flour—	Pounds
Per barrel	196
Per half-barrel	98
Per quarter-barrel sack	49
Per one-eighth-barrel sack	24
Per one-sixteenth-barrel sack	12

Corn meal—	Pounds
Per bushel sack	48
Per half-bushel sack	24
Per quarter-bushel sack	12

And the following commodities per bushel:

	Pounds		Pounds
Wheat	60	Onions	57
Rye	56	Salt	80
Indian corn on the ear	70	Castor beans	46
Kaffir corn	56	Hemp seed	48
Rice corn	56	Native blue-grass seed	14
Corn, shelled	56	English blue-grass seed	22
Sorghum seed	50	Timothy seed	45
Buckwheat	50	Dried peaches	33
Barley	48	Dried apples	24
Malt	32	Green apples	48
Bran	20	Parsnips	50
Beans	60	Carrots	50
Clover seed	60	Beets	56
Hungarian and millet seed	50	Tomatoes	56
Potatoes	60	Peaches	48
Sweet potatoes	50	Shelled dried peas	60
Turnips	56	Alfalfa seed	60
Flaxseed	56	Oats	32

Sec. 4803. Standard bread loaf.—A standard loaf of bread sold or offered for sale in this State shall weigh one pound and a standard loaf of bread need not be labeled with a statement of its weight. Whenever a loaf of bread sold or offered for sale weighs more or less than a pound, it shall be labeled in plain, intelligible English words

[1] For convenience in printing a slight change has been made in arrangement of articles.

and figures with its correct weight, together with the name of its manufacturer.

Sec. 4804. Butter.—Butter in a standard package or container, sold or offered for sale in this State, shall weigh one pound and a standard package or container of butter need have no statement of the net weight of its contents thereon. Whenever butter is sold or offered for sale in a package or container, the net weight of which is more or less than one pound, such package or container shall be labeled in plain, intelligible English words and figures with the correct net weight of its contents, together with the name of the manufacturer or jobber.

Sec. 4805. Milk or cream.—All milk or cream that is sold or offered for sale in this State in bottles shall be sold or offered for sale only in bottles containing standard gallons, half-gallons, quarts, pints or half-pints. All other liquid commodities shall be sold only by standard liquid measure or standard weight, except where parties otherwise agree.

Sec. 4806. Berries and small fruits.—Berries and small fruits whenever sold or offered for sale in this State in boxes, shall be sold or offered for sale in boxes containing a standard dry quart or dry pint, and if said boxes contain more or less than this amount the information must be given the purchaser, or such boxes must be labeled in plain, intelligible English words and figures with a correct statement of the quantity of its contents.

Sec. 4807. Firewood.—A standard cord of firewood sold or offered for sale in this State shall be and contain one hundred and twenty-eight cubic feet, well stowed and packed. And when delivering firewood to a purchaser the vender shall give, or cause to be given therewith to such purchaser, a written statement of the quantity, in terms of the standard cord, of the firewood so delivered.

Sec. 4808. Ton of coal; statement of weight furnished; weight by sack.—A standard ton of coal sold or offered for sale in this State shall weigh two thousand pounds. And when delivering coal to a purchaser the vender shall give, or cause to be given, therewith to such purchaser a written statement of the weight, in terms of the standard ton, of the coal so delivered. When coal is sold by the sack the contents of such sack shall weigh one hundred pounds.

Sec. 4809. All packages to bear correct statement of weight, number, etc.; proviso.—It shall be unlawful for any person to put up any commodity or article of merchandise into a package or container and sell or offer for sale in this State such commodity or article of merchandise in that form without having such package or container labeled in plain, intelligible English words and figures with a correct statement of the net weight, measure or numerical count of its contents: *Provided*, That nothing in this section shall prevent the putting up of commodities or articles of merchandise, which have been previously sold by net weight, measure or numerical count, into packages or containers for the purpose of delivering or transporting such commodities or articles of merchandise.

Sec. 4810. Sale by true net weight; mutual agreement, when.—It shall be unlawful for any person to sell or offer for sale in this State any commodity or article of merchandise, except by true net weight, measure or numerical count, except where the parties otherwise agree. Contracts for work to be done, or for anything to be sold by weight

or measure, shall be construed according to the standards hereby adopted as the standards of this State, except where the parties have agreed upon any other calculations or measurement, and all statements and representations of any kind referring to the weight or measure of commodities or articles of merchandise shall be understood in the terms of the standards of weights or measures aforesaid.

Sec. 4811. False or short weight or measure unlawful.—It shall be unlawful for any person, in buying or selling any commodity or article of merchandise, to make or give false or short weight or measure, or to sell or offer for sale any commodity or article of merchandise less in weight or measure than he represents, or to use a weight, measure, balance or measuring device that is false and does not conform to the authorized standard for determining the quantity of any commodity or article of merchandise, or to have a weight, measure, balance or measuring device adjusted for the purpose of giving false or short weight or measure, or to use in buying or selling of any commodity or article of merchandise a computing scale or device indicating the weight and price of such commodity or article of merchandise upon which scale or device the graduations or indications are falsely or inaccurately placed, either as to weight or price.

Sec. 4812. Penalties; treble damages to sufferer; proviso.—Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof before the justice of the peace having jurisdiction of the offense, shall be fined in a sum not to exceed two hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment, and any weight, measure, balance or measuring device which shall have been used by him in such violation shall be ordered confiscated and destroyed. He shall also be liable in damages to the party injured by his violation in treble the amount of the property wrongfully taken or not given and twenty dollars in addition thereto, to be recovered in a court of competent jurisdiction. The selling and delivery of any commodity or article of merchandise shall be prima facie evidence of the representation on the part of the vender, that the quantity sold and delivered was the quantity bought by the vendee. There shall be taken into consideration the usual and ordinary leakage, evaporation or waste that there may be from the time a package or container is filled by the vender until he sells the same. A slight variation from the stated weight, measure or quantity for individual packages is permissible: *Provided*, That variation is as often above as below the weight, measure or quantity stated.

Sec. 4813. District attorney to prosecute.—It shall be the duty of the district attorney to prosecute all violations of the provisions of this act occurring within his county.

Sec. 4814, as amended by Laws, 1913, ch. 228, p. 325. Sealer of weights and measures; duties; standards same as United States.—The commissioner appointed by the board of control of the Nevada Agricultural Experiment Station [president and board of regents of the university[2]] is hereby designated and constituted sealer of weights and measures and shall be charged with the proper enforcement of the provisions of this act, and he may appoint such deputy

[2] See Laws, 1915, ch. 98, sec. 5, infra.

or deputies as he may deem necessary therefor. He shall have the care and custody of the authorized public standards of weights and measures, and of balances and other apparatus of all kinds owned by the State under section 1 of this act [section 4792]. He shall maintain the State standards in good order and submit them at least once in every ten years to the National Bureau of Standards for verification. He shall at once, after the approval of this act, obtain from the Government of the United States all standard weights and measures mentioned in this act which this State does not at that time own.

Sec. 4815. Duties of sealer and assistants.—It shall be the duty of the sealer and his duly authorized deputy to test and prove all weights, measures, balances and measuring devices when requested so to do by any person, without expense to such person, and when the same are found or made to conform to the authorized standards he shall seal and mark such weights, measures, balances and measuring devices with a seal to be kept by him for that purpose. It shall be the duty of the sealer and his deputy to inspect and test all weights, measures, balances and measuring devices and when any weight, measure, balance or measuring device is found by the sealer or his deputy or deputies to be false or untrue or not of the approved type, or which does not conform to the standards, or which cannot be made to conform to the standards by such means as the sealer or his deputy may have at his disposal he shall condemn the same and mark it condemned in a conspicuous manner, and such condemnation mark shall not be removed or defaced except by authorization of the said sealer or his deputy. It shall be the duty of the sealer and his deputy to inspect packages or containers of commodities or articles of merchandise, put up and sold or offered for sale in this State, and he shall mark in a conspicuous manner any package or container which does not have a statement of the net weight, measure or numerical count of its contents on it, and such mark shall not be removed or defaced except by authorization of the said sealer or his deputy. Whenever the sealer or his deputy has reason to believe that there has been a violation of any of the provisions of this act he shall swear to, or cause to be sworn to, a complaint before the justice of the peace having jurisdiction, charging the suspected person with a misdemeanor, and shall take charge of, pending the trial of the accused person, the weight, measure, balance or measuring device used in such suspected violation.

Sec. 4816. Powers of sealer and deputies.—The sealer and his duly authorized deputy shall have full power to enter any premises in or on which any weights, measures, balances or measuring devices may be located or used for the purpose of trade, or any premises in or on which any commodities or articles of merchandise are put up into packages or containers for the purposes of trade, for the purpose of inspecting, adjusting, sealing, condemning or marking such weights, measures, balances or measuring devices and such packages or containers.

Sec. 4817. Unlawful to obstruct sealer or deputies.—It shall be unlawful for any person to hinder, obstruct or in any way interfere with the sealer or his duly authorized deputy while in the performance of said inspection, and it shall be unlawful for any person to

fail to produce upon demand by the sealer or his deputy all weights, measures, balances or measuring devices and all packages or containers of commodities or articles of merchandise, in or upon his place of business or in his possession, for use in manufacture or trade. Any such person so violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not to exceed one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

Sec. 4818. Sealer must test before condemning weights, etc.—If the sealer or any of his deputies shall seal any weight, measure, balance or measuring device before first testing and making the same conform to the authorized standard or if he shall condemn or take charge of any weight, measure, balance or measuring device without first testing the same, the one so doing shall be deemed guilty of a misdemeanor and upon conviction thereof in a court of competent jurisdiction shall be subject to a fine of not less than five dollars nor more than one hundred dollars.

Sec. 4819. Neglect of duty by sealer or deputies, how punished.—If the sealer or any of his deputies neglects to keep the standards under his charge in good order or repair, or suffers any of them through his neglect to be lost, damaged or destroyed, or fails to perform any of the duties imposed upon him by this act, the one so doing shall be deemed guilty of a misdemeanor and upon conviction thereof, in a court of competent jurisdiction, shall be subject to a fine of not less than ten dollars nor more than two hundred dollars.

Sec. 4820. Sealer to keep record.—The sealer shall keep a record of all the weights, measures, balances or other measuring devices sealed, and of all convictions had and confiscations made under this act and shall make an annual report to the governor on or before January first of each year, a copy of which shall be filed with the National Bureau of Standards. He shall issue from time to time regulations for the guidance of his deputies and the said regulations shall govern the procedure to be followed by the aforesaid deputies in the discharge of their duties.

Sec. 4821. Terms defined.—The terms "package" and "container" as used in this act shall include any carton, box, barrel, bag, keg, drum, bundle, jar, jug, crock, demijohn, bottle, crate, basket, hamper, pail, can, parcel, package or paper wrapper.

Sec. 4822. Person defined.—The term "person" as used in this act shall be construed to impart both singular and plural as the case demands and shall include corporation, company, society and association. When construing and enforcing the provisions of this act omission or failure of any officer, agent or other person acting for or employed by any corporation, company, society or association within the scope of his employment or office, shall in every case be also deemed omission or failure of such corporation, company, society or association, as well as that of the person.

Sec. 4823. Appropriation.—The sum of four thousand dollars is hereby appropriated out of any money in the State treasury, not otherwise appropriated, for the compensation of sealer, deputy or deputies, office supplies and for apparatus necessary to carry out the provisions of this act. The State controller is hereby authorized to

draw his warrants for the sum herein appropriated in favor of the Nevada Agricultural Experiment Station, and the State treasurer is hereby directed to pay the same.

Laws, 1915, ch. 98, p. 115.

Sec. 1. "Public service division" of University of Nevada.—It is hereby provided that the several public service departments of the University of Nevada be consolidated into a "public service division" of the University of Nevada.

Sec. 2. Departments included.—The public service division of the University of Nevada shall consist of the following public service departments, which have been conducted heretofore by authority of statutes of the State of Nevada, enumerated as follows: * * *

4. Weights and measures, provided for in sections 4792–4823, inclusive, of the Revised Laws of the State of Nevada, 1912, as amended chapter 228, Session Laws of the State of Nevada, twenty-sixth session, 1913; * * *

Sec. 3. Regents to appoint heads of departments.—The board of regents of the University of Nevada, upon recommendation of the president, shall designate and appoint a qualified individual to conduct each of these various departments of the public service division, and shall grant him such assistants as they deem necessary, and the powers and duties of these individuals appointed as herein provided shall be as stated in the statutes establishing each of these several departments of the public service division: *Provided, however*, That in those instances wherein the statutes concerned impose upon the individual appointed as herein provided any police power, the appointment shall receive the approval of the governor of the State.

Sec. 4. Rules and regulations.—All rules and regulations necessary for the proper administration and enforcement of the statutes establishing the departments comprehended in this public service division of the University of Nevada shall be made by the president and board of regents of the University of Nevada.

Sec. 5. Words substituted.—Wherever in any of these statutes establishing the departments comprehended in the public service division of the University of Nevada any individual, official, or department of the university is mentioned, there shall be substituted the words "president and board of regents of the university."

Laws, 1923, ch. 92, p. 156.

Sec. 1. Office of public weighmaster created; bond.—Any persons, firms, corporations, copartners or individuals engaged in the business of public weighing for hire, or any person, firm or corporation who shall weigh or measure any commodity, produce, article or articles, and issue therefor a weight certificate which shall be accepted as the accurate weight upon which the purchase or sale of such commodity, produce, article or articles is based, may, upon application as hereinafter described, be known as a public weighmaster, and shall file a bond with the State sealer of weights and measures in the sum of one thousand dollars for the faithful performance of his duties, and shall obtain from the State sealer of weights and measures a seal for the stamping of weight certificates hereinafter provided; the said seals shall be the property of the

State, and shall be forfeited and returned to the State sealer of weights and measures upon termination of the appointment herein prescribed of the public weighmaster. Said seal shall be of a form and design prescribed by the State sealer and furnished by him to the weighmaster. Said seal shall be a recognized authority of accuracy when applied to weight certificates.

Sec. 2. Weight certificates.—The State sealer of weights and measures shall prescribe a form of weight certificates to be used by all public weighmasters, which certificates shall be known as the "State Certificate of Weights and Measures" and shall state thereon the kind of product, the owner, agent or consignee, the total weight of the product, the number of units of same, the date of receipt of the product, the railroad, team or other means by which the product was received, any trade or other mark thereon, and such other information as may be necessary to distinguish or identify the product from a like kind. No certificate other than the one herein prescribed shall be used by public weighmasters.

Sec. 3. Record of public weighings must be kept.—All public weighmasters shall keep and preserve correct and accurate records of all public weighings, as provided by this act, which records shall at all times be open for inspection by the State sealer of weights and measures, or his deputy.

Sec. 4. Uniform rules; weighing fees.—The State sealer of weights and measures shall make uniform rules for carrying out the provisions of this act, and shall designate a reasonable fee to be charged by public weighmasters for weighing, such fee to be retained by the public weighmaster as compensation for his services.

Sec. 5. Penalty for false certificate.—All State certificates of weights and measures, as provided by this act, shall contain the accurate and correct weight of any and all commodities weighed when issued by the public weighmaster. Any public weighmaster who shall issue a State certificate of weights and measures giving a false weight or measure of any article or commodity weighed or measured by him, or his representative, to any person, firm or corporation, shall be guilty of a misdemeanor, and the State sealer may direct and compel the return to him of the State seal, or declare his bond as public weighmatser forfeited, or both.

Sec. 6. Penalty for encouraging false weighing.—Any person, firm, or corporation who shall request the public weighmaster, or any person employed by him to weigh any product, commodity, article or articles falsely, or incorrectly, or who shall request a false or incorrect State certificate of weights and measures, or any person issuing a State certificate of weights and measures who is not a public weighmaster, as provided for in this act, shall be guilty of a misdemeanor.

Sec. 7. Correctness of weight, how decided.—When doubt or difference arises as to the correctness of the net or gross weight of any amount, or part of any commodity, produce, article or articles for which a State certificate of weights and measures has been issued by a public weighmaster, the owner, agent or consignee may, upon complaint to the State sealer of weights and measures, or his deputy, have said amount or part of the amount of any commodity, produce, article or articles reweighed by the State sealer of weights and measures, or a public weighmaster designated by him, upon deposit-

ing a sufficient sum of money to defray the actual cost of reweighing with the State sealer of weights and measures. If, on reweighing, a difference in the original weight is discovered as the result of fraud, carelessness, or faulty apparatus, the cost of reweighing shall be borne by the public weighmaster responsible for the issuance of such faulty State certificate of weights and measures. All public weighmasters employing or designating any person to act for them as deputy public weighmaster shall be responsible for all acts performed by such person, and the public weighmaster shall forward to the State sealer of weights and measures the name and address of persons so appointed.

Sec. 8. Net weight defined.—When any product is sold subject to public weighmaster weights, such weight shall be the true net weight of the product. Net weight, within the meaning of this act, shall be the correct or actual weight of the commodity, excluding the weight of the container.

Sec. 9. State sealers to appoint public weighmasters; apparatus tested.—The State sealer of weights and measures shall appoint public weighmasters: *Provided*, That he or his deputy shall test all weighing apparatus to be used, inspect the premises intended for such use and satisfy himself that the applicant is in every way equipped, qualified, competent and of such character that he should be appointed a public weighmaster. The State sealer of weights and measures, if satisfied with the applicant's qualifications, shall issue a certificate of appointment as public weighmaster, for which there shall be a charge of ten dollars, paid to the State sealer of weights and measures, which amount shall be used by said State sealer of weights and measures in the costs incurred under the premises of this act. The State sealer of weights and measures has the right to suspend or revoke the authority or appointment of any public weighmaster at any time for cause or upon complaint filed.

Sec. 10. Person defined.—The term "person," as used in this act, shall be construed to imply both singular and plural as the case demands, and shall include corporations, company, society, and association. When constructing and enforcing the provisions of this act, omission or failure of any officer, agent or other person acting for or employed by any corporation, company, society, or association within the scope of his employment or office shall, in every case, be also deemed omission or failure of such corporation, company, society or association, as well as that of the person.

Sec. 11. Penalty.—Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction shall be fined in the sum not exceeding two hundred dollars or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

Laws, 1923, ch. 105, p. 179.

Sec. 1. Definition of certain terms.—In this act, the term "sealer" means the State sealer of weights and measures. "Agricultural products" shall include horticultural, viticultural, dairy, bee, and any and all farm products; the word "person" shall include individuals, partnerships, corporations, associations, or two or more in-

dividuals having a joint or common interest; words used import the singular or the plural as the case may demand.

Sec. 2. Official standards for agricultural products.—In order to promote, protect, further and develop the agricultural interests of this State the sealer is hereby authorized and empowered after investigation and public hearing to fix and promulgate official standards for grading and classifying any or all agricultural products grown or produced in this State and to fix and promulgate official standards for containers of farm products and to change any of them from time to time.

Sec. 3. Date to be specified when standards become effective.—In promulgating the standards or any alterations or modification of such standards, the sealer shall specify the date or dates when the same shall become effective and shall give public notice not less than thirty days in advance of such date or dates by such means as he deems proper, and he is hereby authorized and empowered to employ reasonable methods for diffusing information concerning the standard that may be fixed by him for any agricultural product or container.

Sec. 4. Federal standards to be adopted.—The sealer is authorized to fix and promulgate as the official standard for this State for any agricultural product or container the standard for such product or container which may have been promulgated or announced therefor under the authority of the Congress of the United States, and in carrying out the provisions of this act the sealer is authorized to cooperate with the United States or any department thereof in accomplishing the matters and things provided for herein.

Sec. 5. State sealer to appoint inspector; State sealer to specify fees; license revoked, when.—The sealer is hereby authorized to designate any competent employee or agent of the department of weights and measures, and upon satisfactory evidence of competency may license any other person, and charge and collect a reasonable fee for such license, to inspect or classify agricultural products in accordance with such regulations as he may prescribe at such places as the volume of business may be found to warrant the furnishing of such inspection service, at the request of persons having an interest in such products, and to ascertain and to certify to such persons the grade, classification, quality or condition thereof, and such other pertinent facts as the sealer may require. The sealer is authorized to fix, assess, and collect, or cause to be collected, fees for such services when they are performed by employees or agents of the department of weights and measures. Licensed inspectors may charge and collect as compensation for such services only such fees as may be approved by the sealer. The sealer may suspend or revoke any license whenever, after an opportunity for hearing has been afforded to the licensee, the sealer shall determine that such licensee is incompetent or has knowingly or carelessly failed to correctly certify the grade, classification, quality or condition of any agricultural product, or has violated any provisions of this act or of the regulations made hereunder. Pending investigations the sealer may suspend a license temporarily without a hearing.

Sec. 6. Appeal to State sealer.—Whenever any quantity of any agricultural product shall have been inspected hereunder and question

arises as to whether the certificate issued therefor shows the true grade, classification, quality or conditions of such product, any interested person, subject to such regulations as the sealer may prescribe, may appeal the question to him and he is authorized to cause such investigation to be made and such tests to be applied as he may deem necessary and to determine and issue a finding of the true grade or classification of the product or of the quality or condition thereof. Whenever an appeal shall be taken to the sealer under this act, he shall charge and assess and collect, or cause to be collected, a reasonable fee, to be fixed by him, which shall be refunded if the appeal is sustained.

Sec. 7. Certificate prima facie evidence.—A certificate when not superseded by a finding on appeal, or a finding on appeal of the grade, classification, quality or condition of any agricultural product issued under this act, and all certificates issued under authority of the Congress of the United States relating to the grade, classification, quality, or condition of agricultural products, shall be accepted in any court of this State as prima facie evidence of the true grade, classification, condition or quality of such agricultural product at the time of its inspection.

Sec. 8. State sealer to promulgate regulations.—The sealer is hereby authorized and empowered to promulgate regulations for carrying out the purpose and provisions of this act. All fees and moneys collected or received by employees or agents of the department of weights and measures under this act and the regulations which may be promulgated hereunder shall be turned into the State treasury, to be there maintained in a separate fund which is hereby appro priated for carrying out the provisions of this act.

Sec. 9. State sealer may appoint agents.—The sealer may appoint employees and agents to assist in carrying out the provisions of this act, and may fix their compensation.

Sec. 10. Incorrect certificate, penalty for.—Any employee or agent employed under this act or any inspector licensed hereunder who shall knowingly inspect, grade or classify improperly any agricultural product or shall knowingly give any incorrect certificate of grade, classification, quality or condition or shall accept money or other consideration directly or indirectly for any incorrect or improper performance of duty, and any person who shall improperly influence or attempt to improperly influence any such agent, employee or licensed inspector in the performance of his duty, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars or be imprisoned not more than one year, or both.

Sec. 11. Official standards and containers must be used.—If any quantity of any agricultural product shall have been inspected and a certificate issued hereunder showing the grade, classification, quality or condition thereof, no person shall represent that the grade, classification, quality or condition of such product at the time and place of such inspection was other than as shown by such certificate. Whenever any standard for a container for an agricultural product becomes effective under this act, no person thereafter shall pack for sale, offer for sale, consign for sale, or sell and deliver, in a container any such agricultural product to which the standard is applicable,

unless the container conforms to the standard, subject to such variations therefrom as may be allowed in the regulations made under this act, unless such product be brought from outside the State and offered for sale, consigned for sale or sold in the original package. Any person violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars, or be imprisoned not more than one year, or both.

Sec. 12. Appropriation.—There is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, the sum of two thousand dollars annually, or so much thereof as may be necessary, to be expended in carrying out the provision of this act.

Sec. 13. Each provision independent.—If any provision of this act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application of such provisions to other persons or circumstances shall not be affected thereby.

Rev. Laws, 1912, Vol. 2, ch. 24, p. 1902.

Sec. 6708 (1911). Buying or selling by false weight.—If any person or persons shall knowingly buy or sell any goods, wares, or merchandise, or any valuable thing by false weight or measure, or shall knowingly use any false measure or false weight at any mill in taking toll for grinding corn, wheat, rye, or other grain, or shall knowingly use any false weight or weights, or false scales, or false steelyards, or false balances, or false measures for any purpose in buying or selling or trading any article whatever, he or she shall be deemed a common cheat, and on conviction shall be punished by fine in any sum not exceeding two hundred dollars, or be imprisoned in the county jail not more than six months, or both.

Sec. 6709°. Misrepresentation of merchandise.—Every person who makes any misrepresentation regarding the weight, amount, measure, quantity, quality, or ingredients of any goods, wares or merchandise, or personal property, for the purpose of selling the same, or while selling or offering the same for sale, is guilty of a misdemeanor; and if the value of any goods, wares, merchandise, or personal property sold under such misrepresentation shall exceed fifty dollars, the party so making the misrepresentation is guilty of a gross misdemeanor.

Laws, 1913, ch. 226, p. 316.

Sec. 9. Mislabeled or misbranded, when.—Food, liquor and drugs shall be deemed mislabeled or misbranded within the meaning of this act in any of the following cases: * * *

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package. * * *

Sec. 10. "Package" defined.—The term "package," as used in this act, shall be construed to include any phial, bottle, jar, demijohn, carton, bag, case, can, box or barrel, or any receptacle, vessel or container of whatsoever material or nature which can be used by a manufacturer, producer, jobber, packer or dealer, for enclosing any article of food.

Sec. 11. Possession of proscribed articles prima facie evidence.—The possession of any adulterated, mislabeled or misbranded article of

food, liquor or drug by any manufacturer, producer, jobber, packer or dealer in food, liquor or drugs, or by any broker, commission merchant, agent, employee, or servant of any such manufacturer, producer, jobber, packer, or dealer, shall be prima facie evidence of the violation of this act.

Sec. 12. Board of control to appoint commissioner; peace officers as agents.—The board of control of the Nevada Agricultural Experiment Station shall designate and appoint for the enforcement of this act a commissioner and such other agent or agents as it may deem necessary, and the sheriffs of the respective counties of the State are hereby appointed and constituted agents for the enforcement of this act.

Rev. Laws, 1912, Vol. 1, p. 240.

Sec. 794 (1907). Powers of city council; weights and measures; enforcements.—The city council shall have the following powers:

50. To provide for the inspection and sealing of weights and measures.

51. To enforce the keeping and use of proper weights and measures, by vendors.

Laws, 1913, ch. 140, p. 192.

Sec. 9. Standards of measurement for water; acre-foot; miner's inch.—A cubic foot of water per second of time shall be the legal standard for the measurement of water in this State. The unit of volume shall be an acre-foot defined as 43,560 cubic feet. Where necessary to transpose miner's inches to cubic feet per second, one cubic foot per second shall be considered equal to forty miner's inches; but the term " miner's inch " shall not be used henceforth in any permit or adjudicated right issuing from the office of the State engineer without first naming the amount in cubic feet per second or in acre-feet.

Laws, 1919, ch. 109, p. 198.

Sec. 1. Public service commission created.—The public service commission is hereby created whose duty it shall be to supervise and regulate the operation and maintenance of public utilities, as hereinafter named and defined, in conformity with the provisions of this act.

Sec. 13. Standards for measurement, regulation and testing of.—The commission may, when necessary, ascertain and prescribe for each kind of public utility adequate, convenient and serviceable standards for the measurement of quality, pressure, voltage or other conditions pertaining to the supply of the product or service rendered by any public utility, and prescribe reasonable regulations for the examination and testing of such products or service and for the measurement thereof. Any consumer, user or party served may have the quality or quantity of the product or the character of any service rendered by any public utility tested upon the payment of fees fixed by the commission, which fees, however, shall be paid by the public utility and repaid to the complaining party if the quality or quantity of the product or the character of the service be found by the commission defective or insufficient in a degree to justify the demand for testing; or the commission may apportion

the fees between the parties as justice may require: *Provided*, That in cities of more than ten thousand population nothing contained in this act shall direct or permit the installation or the use of mechanical water meters or similar mechanical devices to measure the quantity of water served or delivered to water users.

The commission may, in its discretion, purchase such materials, apparatus, and standard measuring instruments for such examination and tests as it may deem necessary. The commission shall have the right and power to enter upon any premises occupied by any public utility for the purpose of making the examination and tests provided for in this act and set up and use on such premises any necessary apparatus and appliances and occupy reasonable space therefor. Any public utility refusing to allow such examination to be made as herein provided shall be subject to the penalties prescribed in section 11 of this act. * * *

Sec. 23. Weighing of railroad cars and freight.—* * * (*a*) The commission shall have the power to enforce reasonable regulations for furnishing cars to shippers, and switching the same, and for the loading and unloading thereof, and the weighing of the cars and freight offered for shipment over any line of railroad.

Laws, 1920–21, ch. 167, p. 251.

Sec. 1. Regulating method of weighing and testing milk, cream, and dairy products.—It shall be unlawful for any hauler of milk or cream, other than a common carrier, or any person, firm or corporation receiving or purchasing milk or cream by weight or test or both, or by measure or test or both, to fraudulently manipulate the weight, measure or test of milk or cream, or to take unfair samples thereof, or to fraudulently manipulate such samples. Such hauler or other agent shall weigh or measure the milk or cream of each patron accurately and correctly and shall report such weights and measurements accurately and correctly to the creamery or factory. He shall thoroughly mix the milk or cream of each patron by pouring or stirring until such milk or cream is uniform and homogeneous in richness, before the sample is taken from such milk or cream. When the weighing or sampling is done at the creamery, shipping station or factory, the same rule shall apply.

Sec. 2. False tests declared unlawful.—It shall be unlawful for any person, firm or corporation, by himself or as the agent, servant, employee or officer of any person, firm or corporation, receiving or purchasing milk or cream on the basis of the amount of butter fat contained therein, to underread, overread or otherwise fraudulently manipulate the Babcock test used for determining the per cent of butter fat in milk or cream, or to falsify the records thereof, or to read the test at any other temperature than the correct one, which is one hundred thirty degrees to one hundred forty degrees Fahrenheit, or to pay on the basis of any measurement or weight except the true measurement or weight, which is seventeen and six-tenths cubic centimeters for milk and nine grams or eighteen grams for cream: *Provided*, That in all tests for cream the cream shall be weighed into the test-bottle. All testing of milk or cream purchased on the basis of the amount of butter fat contained therein shall be done by licensed tester, who shall supervise and be responsible for the operation of the Babcock test of milk or cream. A license shall be issued to such person by the commissioner of food and drugs,

whose duty it shall be to examine into the qualifications of the applicant for such license, and every such applicant shall satisfy said officer of his qualifications and comply with the provisions herein, before any license shall be issued to him.

Sec. 8. Food and drugs commissioner to inspect measures, etc.; to mark apparatus.—The commissioner of food and drugs shall, from time to time, inspect and examine as to their accuracy, or their adaptability to give accurate results, all glassware, measures, scales, weights and other apparatus used in creameries and factories of dairy products, where milk and cream are purchased, to determine the amount of percentage of fat in milk or cream. Said commissioner of food and drugs shall supply at cost, and not oftener than once a year, to every creamery, or other factory of dairy products where milk and cream, or either, are purchased, on application, not more than two tubes or bottles and one pipette of the forms used with the Babcock test, which he shall first examine as to accuracy, and if accurate, or adapted to give accurate results under the usual method of operating the Babcock test, said commissioner of food and drugs shall certify to this by marking durably and permanently upon each and every piece of apparatus supplied the letters "C. F. D." Said commissioner of food and drugs shall also, upon payment at the rate of one dollar for each dozen, test or examine into the accuracy of all test-bottles or tubes and pipettes sent to it direct from any creamery, or other factory of dairy products, where milk or cream is purchased, and, if found accurate, or adapted to give accurate results, the letters "C. F. D." shall be marked upon each piece of apparatus examined.

Sec. 9. State's standard measure specified; Babcock test for all cream sold; details of requisites.—That State's standard measure, or pipette, shall have a capacity of seventeen and six-tenths cubic centimeters, and the standard test-tubes or bottles for milk shall have a capacity of one cubic centimeter of mercury at a temperature of sixty-five degrees Fahrenheit between "zero" and "five" on the graduated scale on the neck thereof; the scale to have a length of not less than six and five-tenths millimeters for each per cent, or six and five-tenths centimeters between zero and ten on the graduated scale on the neck thereof, said scale to be graduated to at least two-tenths of one per cent. The milk fat in the neck of said bottle to be read from the lower line separation between the fat and the water to the top of the fat column at a temperature not lower than one hundred and thirty degrees Fahrenheit and not higher than one hundred and forty degrees Fahrenheit.

All cream sold in the State of Nevada on the basis of the richness or the percentage of milk fat contained therein shall be tested by the Babcock test, using a weighed sample of eighteen grams, or a weighed sample of nine grams (results to be doubled), weighed on a balance sensitive to ten milligrams, and tested in a test-bottle with a scale graduated to at least five-tenths of one per cent, said scale to be of a length of at least one centimeter to every five per cent where an eighteen-gram sample is used. Where a nine-gram sample is used in a bottle graduated for eighteen grams, the test-bottle must have a scale graduated to at least two-tenths of one per cent, said scale to be a length of at least two centimeters to every five per cent. Where a nine-gram sample is used in a bottle graduated for nine grams, the test-bottle shall have a scale graduated to five-tenths of

one per cent and shall be of a length not less than seven centimeters for every fifty per cent. The milk fat in the test-bottle shall be read at a temperature not lower than one hundred and thirty degrees Fahrenheit and not higher than one hundred and forty degrees Fahrenheit. The fat column must be read from the bottom of the lower meniscus to the bottom of the upper meniscus: *Provided, however*, That no test-bottles now in use in any creamery or other factory or dairy products or by any private party in this State shall be condemned or declared unfit for use prior to the expiration of one year from the taking effect of this act, if the scale thereof is correctly calibrated.

Sec. 10. Penalty.—Any person violating any provision of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in the sum of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail of not less than thirty days nor more than six months, or by both such fine and imprisonment.

NEW HAMPSHIRE

Public Laws, 1926, Vol. 1, ch. 161, p. 594.

Sec. 1 (1917). Standards.—The weights and measures received from the United States under joint resolutions of Congress, approved June 14, 1836, and July 27, 1866, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or in renewal thereof, and such as shall be supplied by the State in conformity therewith and certified by the National Bureau of Standards, shall be the State standards, by which all municipal standards of weights and measures shall be tried, proved and sealed.

Sec. 2 (a1919). Commissioner.—There shall be a State commissioner of weights and measures, appointed by the governor, with the advice and consent of the council, for a term of five years and until his successor is appointed and qualified.

Sec. 3 (1917). Inspectors.—There shall be not exceeding three inspectors of weights and measures, who shall be appointed by the commissioner, with the advice and consent of the governor and council. Their annual salary shall not exceed seventeen hundred dollars each.

Sec. 4 (a1925). Salaries.—The salary of the commissioner shall be three thousand dollars a year, and he shall be allowed for salaries for inspectors, clerical services, traveling and contingent expenses for himself and inspectors such sums as shall be necessary to carry out the provisions of this chapter, to be paid upon warrant of the governor.

Sec. 5 (1917). Commissioner's bond.—The commissioner shall give a bond in the sum of five thousand dollars, with sureties to be approved by the governor, for the faithful performance of the duties of his office and for the safety of the standards intrusted to his care, and for the surrender thereof to his successor or to the person appointed by the governor to receive them.

Sec. 6. Inspector's bond.—Each inspector shall give a bond in the sum of one thousand dollars, with sureties, to be approved by the secretary of state, for the faithful performance of the duties of his office and for the safety of any apparatus intrusted to his care.

Sec. 7. Commissioner's duties.—The commissioner shall take charge of the standards of the State, and cause them to be kept in a safe and suitable place in his office, from which they shall not be removed except for repairs or for certification, and he shall take all other necessary precautions for their safekeeping. He shall maintain the State standards in good order, and shall submit them at least once in ten years to the National Bureau of Standards for certification. He shall keep a complete record of the standards, balances and other apparatus belonging to the State and take a receipt for the same from his successor in office.

Sec. 8. Testing local standards.—He shall, at least once in five years, try and prove by the State standards all standard weights, measures and other apparatus which may belong to any city, and shall seal the same when found to be accurate, by stamping on them the letters N. H. and the last two figures of the year with seals which he shall have and keep for that purpose, and shall keep a record of such inspections. He shall, upon the written request of any citizen, firm, corporation or educational institution in the State, test or calibrate weights, measures, weighing and measuring devices, and instruments or apparatus used as standards in the State.

Sec. 9. Testing; State institutions.—He, or the inspectors by his direction, shall at least once annually test all scales, weights and measures used in checking the receipts or disbursements of supplies in every institution for the maintenance of which moneys are appropriated by the legislature, and he shall report in writing his findings to the supervisory board and to the executive officer of the institution concerned; and, at the request of such board, or executive officer, the commissioner shall appoint in writing one or more employees then in the actual service of such institution, who shall act as special deputies for the purpose of checking the receipts or disbursements of supplies.

Sec. 10. Inspections.—The commissioner, or his inspectors at his direction, shall at least once in two years visit the various cities of the State in order to inspect the work of the local sealers, and in the performance of his duties he may inspect the weights, measures, balances or any other weighing or measuring appliances of any citizen, firm or corporation, and shall have the same powers as the local sealer of weights and measures.

Sec. 11. Supervision.—He shall have and keep a general supervision of the weights, measures and weighing and measuring devices offered for sale, sold or in use in the State.

Sec. 12. Regulations.—The commissioner shall issue from time to time regulations for the guidance of city sealers, and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties.

Sec. 13 (a1919). Inspectors' powers.—When not otherwise provided by law the inspectors shall have the power, under the direction of the commissioner, to inspect, test, try and ascertain if they are correct, all weights, scales, beams, measures of any kind, weighing or measuring instruments, or mechanical devices for measuring, and tools, appliances or accessories connected with any and all such instruments or measures kept, offered or exposed for sale, sold, used or employed within the State by any proprietor, agent, lessee or employee in proving the size, quantity, extent, area or measurements or quantities, things, produce, articles for distribution or consumption offered or submitted by such person or persons for sale, hire or reward; and they shall have like power to, and shall from time to time, weigh or measure packages or amounts of commodities of whatever kind kept for the purpose of sale, offered for sale or sold, or in the process of delivering, in order to determine whether the same contain the amounts represented, and whether they are offered for sale or sold in a manner in accordance with the laws relative to weights and measures.

Sec. 14. Inspectors' duties.—They shall at least once each year, and as much oftener as the commissioner may deem necessary, see that the weights, measures and all apparatus used in the State are correct. They may for the purposes mentioned, and in the general performance of their official duties, stop any vendor, peddler, junk dealer, or the driver of any coal wagon, ice wagon or delivery wagon, or any dealer whatever, and require him to proceed to such place as the inspector may specify, for the purpose of making the proper tests, and for that purpose they may, without formal warrant, enter any stand, place, building or premises. Whenever an inspector finds a violation of the statutes relating to weights and measures he shall report the same to the commissioner, who shall cause the violator to be prosecuted.

Sec. 15. Sealing.—Whenever an inspector compares weights, measures or weighing or measuring instruments and finds that they correspond with the standards in his possession and conform to the specifications and regulations of this department, or causes them to correspond with the said standards and to conform to said specifications and regulations, he shall seal or mark such weights, measures, weighing or measuring instruments with appropriate devices to be approved by the commissioner.

Sec. 16. Condemning.—He shall condemn and seize to hold as evidence, and may, upon the order of the court, destroy, incorrect weights, measures, or weighing or measuring instruments which, in his judgment, are not susceptible of satisfactory repair; but such as are incorrect and may be repaired he shall mark or tag as condemned for repairs in a manner prescribed by the commissioner.

Sec. 17. Correcting.—The owners or users of any weights, measures or weighing or measuring instruments, of which such disposition is made, shall have the same repaired or corrected within the time prescribed by the commissioner, and they may neither use nor dispose of the same, except as permitted by the commissioner, but shall hold the same at his disposal.

Sec. 18. Confiscating.—Any apparatus which has been condemned for repairs, and has not been repaired as herein required, shall be confiscated as provided in section 16.

Sec. 19. Records; reports.—The inspectors and city sealers shall keep a complete record of all their official acts, and shall make reports to the commissioner of weights and measures as he may direct, on blanks approved by him.

Sec. 20. City sealers.—There shall be a sealer of weights and measures in cities of not less than ten thousand population, according to the latest United States census, to be appointed by the mayor, with the consent of the city council. He shall, in said city, have the same powers and duties as the State inspectors have elsewhere.

Sec. 21. Apparatus for city sealers.—The common council of each city required to appoint a sealer shall procure at the expense of the city, and shall keep at all times, a complete set of weights and measures and other apparatus of such materials and construction as the commissioner may direct. All such weights, measures and other apparatus, having been tried and accurately proved by him, shall be sealed and certified to by the commissioner as hereinbefore

provided, and shall be then deposited with and preserved by the city sealer as public standards for the city. Whenever the common council of such city shall neglect for six months to provide such standards the city clerk of said city, on notification and request by the commissioner, shall provide the same and cause them to be tried, sealed and deposited at the expense of the city.

Sec. 22. Authority as police.—The commissioner of weights and measures, his inspectors, and the city sealers of weights and measures, are special policemen, and are authorized and empowered to arrest, without formal warrant, any violator of the statutes in relation to weights and measures, and to seize for use as evidence, and without warrant, any false or unsealed weight, measure or weighing or measuring device, or package or amounts of commodities found to be used, retained or offered or exposed for sale or sold in violation of this chapter.

Sec. 23 (1917). False weights.—Any person, who, by himself or by his servant or agent, or as the servant or agent of another, shall offer or expose for sale, sell, use or retain in his possession for use, a false weight or measure or weighing or measuring device, or any weight or measure or weighing or measuring device which has not been sealed by the commissioner or inspector, or by a sealer of weights and measures within one year, for the purpose or the apparent purpose of buying or selling of any commodity or thing, or for hire or reward; or shall dispose of any condemned weight, measure or weighing or measuring device contrary to law, or remove any tag placed thereon by the commissioner or inspector, or by a sealer of weights and measures, without his permission; or any person who, by himself or by his servant or agent, or as the servant or agent of another, shall sell or offer or expose for sale less than the quantity he represents, or sell or offer or expose for sale any commodity in a manner contrary to the laws relative to weights and measures, or, in purchasing, misrepresents the amount purchased, shall be fined not less than twenty nor more than two hundred dollars, or imprisoned not more than three months, or both, upon a first conviction; upon a second or subsequent conviction he shall be fined not less than fifty nor more than five hundred dollars, or imprisoned not more than one year, or both.

Sec. 24 (a1919). Obstructing officials.—Any person who shall hinder or obstruct in any way the commissioner, any inspector or any city sealer in the performance of his official duties shall be fined not less than twenty nor more than two hundred dollars, or imprisoned not more than ninety days, or both.

Sec. 25. Impersonating officials.—Any person who shall impersonate in any way the commissioner, any inspector or city sealer, by use of his seal or counterfeit of his seal or otherwise, shall be fined not less than one hundred nor more than five hundred dollars, or imprisoned not more than one year, or both.

Sec. 26 (a1925). Provisions governing weights and measures for certain commodities.—In proceedings under section 23, for false or insufficient weights or measures in connection with the sale of any article, the following weights and provisions shall govern:

I. Bushel by weight: Except where the parties shall expressly agree to sale by some other standard than by weight, a bushel shall contain the number of pounds hereinafter set forth:[1]

	Pounds per bushel		Pounds per bushel
Dried apples	25	Dried peaches	33
Beets	60	Peas	60
Small white beans	60	Parsnips	45
Soy beans (glycine hispida)	58	Roasted peanuts	20
Barley	48	Green peanuts	22
Bran	20	Irish potatoes	60
Buckwheat	48	Sweet potatoes	54
Indian corn	56	Quinces	48
Corn meal	50	Rye	56
Cracked corn	50	Rye meal	50
Cranberries	32	Coarse salt	70
Carrots	50	Fine salt	50
Clover seed	60	Shorts	20
Flaxseed	56	Tomatoes	56
Herds grass or timothy seed	45	Turnips	55
Japanese barnyard millett (P. crusgalli)	35	Wheat	60
Lime	70	String beans	24
Oats	32	Unshelled green peas	28
Onions	52	Beet greens	12
Pears	58	Dandelions	12
Peaches	48	Parsley	8
		Spinach	12

and for fractional parts of a bushel like fractional parts of the above weights shall be required.

II. Dry measure: All fruits, nuts and vegetables, if sold by measure, shall be sold by dry measure, United States standard.

III. Heaping measures: Commodities, the individual units of which are determined by the commissioner as large in size, shall be measured by heaping measures; that is: The measure shall be heaped up in the form of a cone, the outside rim of the measure to be the base of the cone and the cone to be as high as the commodity will admit; other commodities shall be measured by struck or level measure.

IV. Baskets: Baskets or other receptacles holding one quart or less, which are used in the sale of berries, cherries or currants, shall be of the capacity of one quart, one pint, or half-pint, United States standard dry measure. Said baskets or other receptacles shall not be required to be tested and sealed, but any sealer or health officer may test the capacity of any baskets or other receptacle in which such fruit is sold or intended to be sold; and if the same is found to contain less than the standard measure, or if the quantity of such fruit is otherwise less than as herein provided, he shall seize the same and make complaint against the vendor.

Sec. 27 (a1919). Posting notice.—The proprietor of any place where articles namd in paragraph IV of the preceding section are sold or kept for sale shall post conspicuously, in a place ordered by the commissioner and where patrons may easily read the same, a printed notice to be furnished by the commissioner, containing said paragraph and such other information as the commissioner may direct.

[1] A slight change has been made in the arrangement of these weights for convenience of reference.

Sec. 28. Penalty.—Whoever sells or offers for sale, or has in possession with intent to sell, any such fruit in any receptacle holding one quart or less which does not conform to said standard, or, conforming thereto, is not at least level measure, or fails to keep posted the notice hereinbefore provided, shall be punished as provided in section 23.

Sec. 29. Packages.—It shall be unlawful for any person to sell or offer for sale any commodity in package form unless the contents thereof is expressed in terms of net weight, measure or numerical count in a conspicuous place on the outside of the package, in a plainly printed statement in large type. Reasonable variations or tolerances shall be permitted, and these variations or tolerances as provided in section 41 and also exemptions as to small packages shall be established by rules and regulations made by the commissioner.

Sec. 30 (1917). Penalty.—Any person violating the preceding section shall be fined not less than twenty nor more than two hundred dollars.

Sec. 31 (a1919). Sale of coal.—It shall be unlawful to sell or offer to sell in the State any coal or coke in any other manner than by weight, except by agreement of the parties to the contrary.

Sec. 32. Coal, certificate of weight.—Except as provided in the preceding section no person shall sell or deliver any coal or coke without such delivery being accompanied by a certificate of weight distinctly expressing in ink or other indelible substance the gross weight of the load, the tare of the delivery vehicle, the net weight of the coal or coke contained in the vehicle used in such delivery, the name of the dealer from whom purchased, the name of the party to whom it is to be delivered, the name of the weigher, the name of the driver and the date of weighing.

Sec. 33. Coal, duplicate of weight.—Said certificate shall be made in duplicate by the weigher at the time and place of weighing. One copy shall be given to the purchaser or his agent or representative at the time of delivery of the fuel, or shall be surrendered to the inspector or sealer of weights and measures upon his demand for inspection, whereupon the inspector or sealer shall issue in exchange his certificate of weighing, which shall be delivered to the purchaser, his agent or representative at the time of delivery of the fuel.

Sec. 34. Delivery at yard.—When the buyer takes the coal or coke at the dealer's place of business a certificate showing the actual number of pounds delivered to the purchaser must be given to him at the time the sale is made.

Sec. 35 (1919). Sale of wood.—It shall be unlawful to sell or offer to sell in this State any wood for fuel purposes, except standing trees, wood not exceeding sixteen inches in length, edgings, bobbin wood, clippings, slabs and other waste, in any other manner than by the cord or fraction thereof, unless the parties to the transaction otherwise agree; but no person, firm or corporation dealing in wood, or having or offering wood for sale, shall refuse to sell it by the hereinafter defined load or fractional part thereof, or by the cord or fractional part thereof.

Sec. 36. Cord, load.—No cord of any length wood shall contain less than the equivalent of 128 cubic feet of compactly piled wood. Wood not exceeding sixteen inches in length, edgings, bobbin wood, clippings, slabs and other waste may be sold by the load in the loose; provided, that a load shall contain 80 cubic feet, three quarters of a load 60 cubic feet, one half of a load 40 cubic feet, and one quarter of a load 20 cubic feet. No wood shall be sold by the load in any other dimensions.

Sec. 37. By baskets.—Wood not exceeding twelve inches in length, edgings, bobbin wood, clippings, slabs and other waste may be sold by the bushel: *Provided*, That the baskets or similar receptacles used shall be of one bushel or multiple thereof, New Hampshire standard dry measure, and shall be filled at least level full when well shaken.

Sec. 38. Vehicles, markings.—Whoever sells or offers for sale such wood by the load in the loose, shall specify upon the outside of the delivery vehicle the cubic contents thereof, in figures at least one inch high.

Sec. 39 (a1919). Inspecting.—The commissioner shall require the inspectors and sealers to measure the cart bodies or containers used in the delivery of wood by the standard load, to see if they contain the contents specified.

Sec. 40 (1917). Sale of bread.—It shall be unlawful for any person to make for sale, sell, offer to sell or procure to be sold any bread unless each loaf is enclosed in a wrapper plainly showing its weight and the name of the manufacturer thereof, the size of stamp and type used to be specified by the commissioner.

Sec. 41. Specifications.—The commissioner shall, after consultation with and with the advice of the National Bureau of Standards, establish specifications and tolerances for weights and measures and weighing and measuring devices, and said specifications and tolerances shall be legal specifications and tolerances in this State, and shall be observed in all inspections and tests.

Sec. 42. Hawkers, etc.—No license shall be issued to any hawker, peddler or itinerant vendor unless he presents a certificate from the sealer of weights and measures, showing that the weights or measures used by him have been properly inspected, tested and sealed immediately preceding the issuance of such license. Upon conviction of any hawker, peddler or itinerant vendor of any violation of the provisions of this chapter, such license shall be revoked.

Sec. 43 (a1919). Disposal of fines.—The justice or judge of any court, before whom a complaint for violation of this chapter is prosecuted, shall, within sixty days after any fine is paid, remit the amount thereof to the State treasurer.

Public Laws, 1926, Vol. 1, ch. 165, p. 628.

Sec. 1 (1917). Standard barrels; boxes.—The standard barrel made of wood for apples shall be of the following dimensions when measured without the distention of its parts: Length of stave, 28½ inches; diameter of head, 17⅛ inches; distance between heads, 26 inches; circumference of bulge outside measurements, not less than 64 inches, representing as nearly as possible 7,056 cubic inches. A

barrel made of any other material must contain not less than 7,056 cubic inches. The standard box for apples shall be of the following dimensions: Inside measurements, 18 inches x 11½ inches x 10½ inches without any distention of parts, representing as nearly as possible 2,174 cubic inches.

Sec. 4 (a1925). Size or count.—The minimum size or numerical count of the fruit in all grades, including the unclassified, shall be marked upon the package and may be designated by figures instead of words. The minimum size shall be determined by taking the transverse diameter of the smallest fruit in the package at right angles to the stem and blossom end, and shall be stated in variations of one-quarter of an inch, such as two inches, two and one-quarter inches, and so on, in accordance with the facts. The word "minimum" may be designated by using the abbreviation "min."

Sec. 5 (1917). Closed package.—A package whose contents can not be seen or inspected shall be deemed a closed package. Every such package of apples which is packed, sold, distributed, offered or exposed for sale, within or without the State, by any person, shall have marked in a conspicuous place on the outside thereof in plain letters a statement clearly and truly stating the quantity of the contents, the name and address of the packer, or the person by whose authority the apples were packed, and shall be marked with the true name of the variety, the grade and the minimum size of the apples contained therein and the name of State where grown. * * *

Sec. 7. Marking.—Barrels shall be marked or branded as prescribed herein in block letters and figures of size not less than thirty-six point Gothic. The commissioner of agriculture shall prescribe rules and regulations consistent herewith relative to branding other closed packages.

Public Laws, 1926, Vol. 1, ch. 47, p. 203.

Sec. 36 (a1879). Other town officers, choice.—Any town, at the annual meeting, may choose, by major vote, one or more * * * measurers of wood and bark, surveyors of lumber, cullers of staves * * *, and such other officers as it may judge necessary for managing its affairs, who shall severally perform the duties prescribed by law.

Public Laws, 1926, Vol. 1, ch. 54, p. 223.

Sec. 12 (a1923). By-laws; ordinances; markets; sales.—The city councils shall have power to make all such salutary and needful by-laws as towns and the police officers of towns and engineers or fire wards by law have power to make, and to annex penalties, not exceeding twenty dollars, for the breach thereof; and may make, establish, publish, alter, modify, amend and repeal ordinances, rules, regulations and by-laws for the following purposes:

XI. To establish markets and market places; regulate the place and manner of selling and weighing hay, selling pickled and other fish, and salted and fresh provisions; selling and measuring wood, lime, coal and other heavy articles; and to appoint suitable persons to superintend and conduct the same; to prevent and punish forestalling and regrating; and to restrain every kind of fraudulent device and practice.

Public Laws, 1926, Vol. 1, ch. 139, p. 514.

Sec. 7 (a1913). **Foods.**—Foods shall also be deemed to be misbranded in the following cases: * * *

III. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count: *Provided*, That reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established, by rules and regulations made in accordance with the provisions of section 12.

Public Laws, 1926, Vol. 1, ch. 162, p. 602.

Sec. 11 (1923). **Sale and shipment of farm produce in standard boxes authorized; size of boxes prescribed.**—Farm produce may be sold in, or shipped from, New Hampshire at either wholesale or retail in standard boxes, in original or unbroken form, and such standard boxes shall contain two thousand one hundred sixty-two and eighty-nine one-hundredths cubic inches and shall be of the following dimensions by inside measurements: seventeen and one-half inches in length by seventeen and one-half inches in width and seven and one-sixteenth inches in depth. The New Hampshire standard half-box for farm produce shall contain one thousand eighty-one and fifty-five one-hundredths cubic inches, and shall be of the following dimensions by inside measurements: Twelve and three-eighths inches in length by twelve and three-eighths inches in width and seven and one-sixteenth inches in depth. When the above specified boxes are made of wood the ends shall be not less than five-eighths of an inch, and the sides and bottom not less than three-eighths of an inch in thickness. All such boxes and half boxes of the dimensions specified herein shall be marked on at least one outer side in bold, uncondensed capital letters, not less than one inch in height: "Standard Box Farm Produce" and "Standard Half Box Farm Produce," respectively. Except as above provided, farm produce shall be sold at wholesale or retail by avoirdupois weight, measure or numerical count.

Sec. 12. **Falsely representing box to be standard box, how punished.**—Whoever represents, by marking or otherwise, any box or half-box to be a standard box or standard half-box for the sale of farm produce, unless it conforms to the foregoing requirements, shall be fined not more than fifty dollars.

Sec. 13. **Commissioner of weights and measures to enforce act.**—The commissioner and inspectors of weights and measures shall enforce the provisions of this subdivision.

Sec. 16 (1873). **Cord wood, how measured.**—All cord wood exposed for sale shall be either four feet, three feet or two feet long, including half the kerf, and, being well and closely laid together, a quantity measuring eight feet in length, four in width and four in height shall constitute a cord.

Sec. 17 (1883). **Measurers of wood and bark; duties and fees.**—It shall be the duty of measurers of wood and bark to measure any wood or bark whenever requested, and to give a certificate thereof; and they shall be paid for the service, by the party requesting the same, forty cents for each hour or fractional part of an hour necessarily spent by them, when the quantity to be measured exceeds twenty cords, and four cents a cord when it is twenty cords or less.

Sec. 18. Refusing or neglecting; penalty.—If any measurer, upon tender of his fees, shall unreasonably neglect or refuse to measure or certify any wood or bark brought to him for that purpose, or shall give any false certificate, he shall for each offense forfeit five dollars.

Sec. 19 (1870). Contracts for purchase and sale of cotton, how constructed.—All contracts for sale and purchase of raw or unmanufactured cotton, made within this State, shall be taken and deemed to be contracts for sale and purchase at actual weights, exclusive of the weight of bagging, rope, iron ties or straps, or any other material in which the cotton may be packed.

Sec. 20. Marking of bales.—Where there is no special agreement as to the amount of tare to be allowed on each bale, every bale of raw or unmanufactured cotton sold or offered for sale within this State shall have legibly marked upon it, or upon some tag securely fixed thereto, the gross weight of such bale and the aggregate weight of the bagging, rope and ties, or other materials in which the cotton is packed, together with the name of the weigher.

Sec. 21. Tare, how ascertained.—For the purpose of ascertaining the weight of the packing material upon cotton, according to the provisions of this subdivision, and in the absence of a special agreement as to tare, it shall be lawful to weigh by sample; but there shall be an actual weighing of the packing materials of at least one bale in ten of each lot, after the same shall have been stripped or removed from the bale.

Sec. 39 (1907). Ice to be weighed on delivery; penalty.—A dealer in ice who, on request of the purchaser, refuses or neglects to weigh the same when delivered, or gives a false weight, shall be fined not more than fifty dollars.

Sec. 40. Employee.—Whoever, having charge of the delivery of ice from a wagon, not being a dealer in ice, refuses to weigh the same on the request of the purchaser when it is delivered, or gives a false weight, shall be fined not more than ten dollars.

Sec. 41 (1923). Coal standards.—The public service commission shall fix reasonable standards with respect to the amount of bone, slate or other foreign substances which may be contained in anthracite coal sold as standard coal within this State. Such standards shall be set forth in an order or orders, and shall take effect at such time as shall be stated therein and remain in force until modified by the commission. In fixing such standards due regard shall be had for the custom of the trade as carried on by reputable dealers, and the orders of the commission shall be designed to protect the public from imposition.

Sec. 42. Sales.—No person shall sell or offer for sale any anthracite coal which does not comply with the standards fixed in accordance with section 41 without first notifying the purchaser of the character and quality of the coal sold or offered for sale, and that the same does not comply with such standards.

Public Laws, 1926, Vol. 1, ch. 163, p. 613.

Sec. 11 (1901). Milk inspectors to secure certificates of competency.—Every milk inspector in any city or town in this State, or whoever, either for himself or in the employ of another, manipulates the Babcock test or any other test, whether mechanical or chemical, for the

purpose of measuring the contents of butter fat or solids in milk or cream as a basis for apportioning the value of such milk or cream, or the butter or cheese made from the same, shall, except as provided in section 70, procure from the superintendent of the dairy department of the New Hampshire College of Agriculture and the Mechanic Arts, a certificate showing that the holder is competent and well qualified to perform such work. The fee for issuing such certificate shall in no case exceed one dollar, the same to be paid by the applicant to said superintendent, and to be used by the superintendent in meeting the expense incurred by him under this section.

Sec. 12. Instruments to be tested.—Every instrument or piece of glassware used for testing or measuring milk or cream, at any creamery, butter factory, cheese factory or condensed milk factory in determining the value of milk or cream received from different persons, or by any milk inspectors in any city or town in this State, shall be tested for accuracy of measurement, and for the accuracy of the per cent scale marked thereon, by said superintendent or by some competent person designated by him. The superintendent or person thus designated shall mark such instruments or glassware with such marks or characters as cannot be erased, which marks or characters shall stand as proof that they have been so tested, and no incorrect instruments or glassware shall be thus marked. The superintendent shall receive for such service the actual cost incurred and no more, the same to be paid by the person for whom the test is made.

Sec. 13. Record of certificates and tests.—He shall keep a record of all persons to whom certificates are issued, with the dates thereof, and of the number and description of all instruments and pieces of glassware inspected and marked, and for whom each was inspected.

Sec. 14. Milk testing regulations.—Any person who tests milk or cream contrary to the provisions of this subdivision, or who tests milk or cream to determine or apportion its value with appliances that have not been inspected and marked by the authorities herein named, shall be fined not less than five dollars for each week that he serves or that such unmarked and untested appliances are used.

Sec. 27 (a1869). Measure of milk.—Milk shall be bought and sold by wine measure, the standard for which shall be two hundred and thirty-one cubic inches to the gallon, and for subdivisions of the gallon in the same proportion.

Sec. 28. Measures for milk to be tried and proved by standard of wine measure.—All measures or vessels used in the sale of milk shall be tried and proved by the standard of wine measure, and the quantity they hold agreeably to such standard shall be marked thereon. Any person selling any milk by any other than measures so tried, sealed, and marked, shall be fined ten dollars.

Sec. 29 (a1873). Milk cans to be sealed and marked annually.—All milk cans used by persons engaged in the business of purchasing milk at wholesale, shall be sealed annually by the sealer of weights and measures in the city or town where the purchaser resides; and no milk can shall be sealed which does not contain one or more quarts, and the capacity of the can shall be legibly marked upon it by the sealer.

Sec. 30 (1873). Capacity.—When milk is purchased by the can, such can shall hold eight quarts of milk and no more.

Sec. 31. Penalty.—Any person violating the provisions of the two preceding sections shall be fined not more than fifty dollars.

Sec. 57 (1925). Testing samples.—The commissioner, or his deputy, may enter upon the premises of a receiving station and upon any place where milk or cream is received for transportation, and take samples drawn for the purpose of testing butter fat content or the various constituents of milk or cream, which is on the premises or in the possession of an employee, or may take samples from vendors' deliveries for the purpose of testing the same.

Sec. 63. Inspection of apparatus.—The commisisoner or his deputy may enter the premises of any receiving station and may inspect or test all apparatus and materials used in weighing or making tests of the product received, for the purpose of determining the accuracy of the same, and may order any apparatus to be repaired, or may condemn the same or any part thereof, or any materials used in making tests.

Sec. 64. Rules.—The commissioner may give such instruction and make such regulations concerning the taking of samples of milk and cream, making the butter fat test and computing the results thereof, as he deems proper.

Sec. 70. Testers' licenses.—Any person who manipulates the Babcock test or any other mechanical or chemical test, for the purpose of measuring the percentage of butter fat or solids in milk or cream as a basis for paying for product purchased by a receiving station, shall procure from the commissioner a license showing that the holder is competent and qualified to perform such work, the competency and qualification of such testers to be determined by examination by the State dairy inspector.

Public Laws, 1926, Vol. 1, ch. 167, p. 654.

Sec. 1 (1901). Duties of surveyors of lumber.—Surveyors of lumber shall survey all plank, boards, spars, slit work, shingles, clapboards and timber previous to the sale thereof, and shall measure the same if necessary, having due consideration for drying and shrinking, making reasonable allowance for rot, knots and splits. They shall mark the same anew according to the just contents thereof, if requested by the seller or purchaser, and give a certificate of the quantity and sorts, if required, on payment therefor.

Sec. 3. Standard thickness of plank.—The standard of thickness of merchantable plank shall be two inches, and when any plank of a different thickness shall be purchased it shall be admeasured and calculated by that standard.

Sec. 4. Ship timber, how measured.—All round ship timber shall be measured according to the following rule: A stick of timber sixteen inches in diameter and twelve inches in length shall constitute one cubic foot, and in the same ratio for any other size and quantity; forty feet shall constitute one ton.

Sec. 5. Timber by thousand, how measured.—All round timber, the quantity of which is estimated by the thousand, shall be measured according to the following rule: A stick of timber sixteen inches in diameter and twelve inches in length shall constitute one cubic

foot, and the same ratio shall apply to any other size and quantity. Each cubic foot shall constitute ten feet of a thousand.

Sec. 6. Measuring round timber.—Any person measuring round timber, the quantity of which is estimated by the thousand, shall mark upon each log surveyed by him the contents thereof, unless it is otherwise agreed by the parties contracting.

Sec. 7. Shingles, sizes of.—All shingles offered for sale in this State shall be straight, four inches wide, free from shakes and worm holes; shall be split or sawed in a longitudinal direction crosswise the grain, and shall be designated and known according to their quality as No. 1, No. 2, No. 3, or refuse.

Shaved shingles No. 1 shall be eighteen inches long, seven-sixteenths of an inch thick at the butt end, shall be free from knots and sap, and shall be breasted.

No. 2 shall be at least seventeen inches long, three-eighths of an inch thick at the butt end, and clear of knots and sap.

No. 3 shall be at least fifteen inches long, and three-eighths of an inch thick at the butt end * * *

Sec. 8. Admeasurement; number in bundle.—No shingles shall pass inspection unless so packed as to contain by admeasurement one quarter of a thousand in each round bunch, and either one thousand or one half or one quarter of a thousand in each square bunch. Each bunch or bundle shall be branded upon the butt, No. 1 No. 2 No. 3 refuse or O, according to the quality; and also with the abbreviation N. H., which brand last mentioned shall be furnished by the town.

Sec. 10. Staves, hoops, etc., sizes of; pipe staves; hogshead staves; barrel staves; white oak staves; red oak staves; splitting; shooks; headings; hoops; counted by decimal hundred.—All white oak butt staves shall be at least five feet in length, five inches wide, and one inch and a quarter thick on the heart or thinnest edge and every part thereof.

All white oak hogshead staves shall be at least forty-two inches long, four inches broad in the narrowest part and not less than one inch thick on the heart or thinnest edge.[2]

All white oak hogshead staves shall be at least forty-two inches long, and not less than three-quarters of an inch thick on the heart or thinnest edge.

All white oak barrel staves for foreign market shall be thirty-two inches long, and for home use shall be thirty inches long, and all shall be half an inch thick on the heart or thinnest edge.

All white oak hogshead and barrel staves shall be, one with another, four inches in breadth, and none less than three inches in breadth in the narrowest part, and those of the last breadth shall be clear of sap.

All red oak hogshead and barrel staves shall be of the same length, width and thickness with the white oak hogshead and barrel staves aforesaid.

All staves shall be well and proportionately split.

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[2] This paragraph has apparently been changed unintentionally. It read as follows in the former compilation of laws entitled, Public Statutes and Session Laws, in force January 1, 1901: "All white oak pipe staves shall be at least four feet eight inches long, four inches broad in the narrowest part, and not less than one inch thick on the heart or thinnest edge."

All shooks shall be forty inches long, and not less than two and a half inches wide at the ends, and full half an inch thick when dressed.

All white oak hogshead heading shall be one inch thick, thirty inches long, and not more than five pieces to one head.

All hogshead hoops shall be made of white oak, brown ash or walnut, of good and sufficient substance, well shaved and either ten, twelve, or fourteen feet in length; the oak and ash hoops shall not be less than one inch broad, and the walnut hoops not less than three-quarters of an inch broad; all hoops of ten, twelve, and fourteen feet respectively shall be made up in distinct bundles by themselves containing twenty-five hoops each; and each bundle intended for exportation shall be branded on the band thereof with the brand of the town whence exported.

All hoops and staves shall hereafter be counted and sold by the decimal hundred.

Public Laws, 1926, Vol. 1, ch. 184, p. 712.

Sec. 1 (a1915). Feeding stuff to bear statement of weight.—Every person who shall sell, offer, or expose for sale or for distribution in this State any concentrated commercial feeding-stuff used for feeding farm livestock shall furnish with each car or other quantity shipped in bulk, and shall affix to every package of such feeding stuff, in a conspicuous place on the outside thereof, a plainly printed statement clearly and truly certifying the number of net pounds in the package sold or offered for sale, the name or trade-mark under which the article is sold, the name of the manufacturer or shipper, the place of manufacture, the place of business, * * *

Sec. 2. When sold at retail; certificates.—Whenever any feeding-stuff is sold at retail in bulk, or in containers belonging to the purchaser, the agent or dealer, upon request of the purchaser, shall furnish to him the certified statement named in preceding section.

Sec. 13 (1923). Vendors of corn or other foods for livestock shall furnish printed statement showing net weight, when.—Every person who shall sell, offer, or expose for sale in this State any corn, whole, ground or cracked, oats, rye, barley, wheat or buckwheat, used for feeding livestock or poultry, shall furnish with each car or other quantity shipped in bulk a plainly printed statement showing net weight and grade, as hereafter provided, and shall affix to each bag of grain a plainly printed statement or tag, showing the grade of goods and net weight contained therein, and the name and address of the dealer selling the same if the grain be below the following standards: Below No. 1 for clipped oats; below No. 2 for natural oats, rye, barley or buckwheat.

Public Laws, 1926, Vol. 1, ch. 185, p. 715.

Sec. 1 (1915). Fungicides and insecticides; labeling.—Every lot or package of fungicide or insecticide which is manufactured, sold, distributed, or offered or exposed for sale in this State shall have affixed in a conspicuous place on the outside thereof a plainly printed statement clearly and truly stating the net weight in the package or container, the name or trade-mark under which the article is sold,

the name and address of the manufacturer or shipper, the place of manufacture, * * *.

Public Laws, 1926, Vol. 1, ch. 186, p. 718.

Sec. 1 (1901). Packages, how to be marked.—Every lot or parcel of commercial fertilizer or fertilizer material sold or offered or exposed for sale within this State shall be accompanied by a plainly printed statement, clearly and truly certifying the number of net pounds of fertilizer in the package, the name, brand or trade-mark under which the fertilizer is sold, the name and address of the manufacturer or importer, the location of the factory, * * *

Public Laws, 1926, Vol. 1, ch. 42, p. 179.

Sec. 76 (1923). Standard time defined; establishment of other systems of time by municipality unlawful.—The standard time within the State shall be based on the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich, known and designated by the Federal statute as "United States standard eastern time." It shall be unlawful for any town or other municipality to vote for, or otherwise establish, any other system of time. Any violation of the provisions of this act shall be punishable by a fine of not more than $500.

NEW JERSEY

Suppl., 1911–1915, to Comp. Stats., 1910, p. 1624.

Sec. 1. (1911). Weights and measures defined; superintendent; assistant.—The words " weight and measure " or " weights and measures " as used in this act shall be deemed to mean and to include any weight, measure, scale beam, patent balance, spring scale, steelyard, tape, counter measure, receptacle of any kind, or any other instrument or apparatus and accessories connected therewith used in weighing or measuring any commodity, fluid, or article of merchandise.

The word " superintendent " as used in this act shall be deemed to mean in all instances superintendents of weights and measures.

The word " assistant " shall be deemed to mean assistant superintendent of weights and measures.

Sec. 2. Standards.—The standards of weights and measures in this State shall be those recognized or furnished by the United States.

Sec. 4. Standard ton.—The standard gross ton shall consist of two thousand two hundred and forty (2,240) pounds. The standard net ton shall consist of two thousand (2,000) pounds.

Sec. 5 (a1914). Dimensions of cranberry barrel.—The standard barrel [1] to be used for buying or selling cranberries in this State, or for transporting the same outside of this State shall be of the following size when measured without distention of its parts, to wit: Head, sixteen and one-quarter (16¼) inches diameter; staves twenty-eight and one-half (28½) inches long; and not more than four-tenths ($\frac{4}{10}$) of an inch thick; bilge, fifty-eight and one-half (58½) inches outside circumference; distance between heads, twenty-five and one-quarter (25¼) inches. Such barrels shall be branded or stenciled in a durable manner " standard."

Sec. 6 (1911). Cranberry bushel and crates.—The standard measure for a bushel [1] of cranberries shall be thirty-two (32) quarts, rounded measure; that crates (or boxes) to be used for buying or selling cranberries in this State or for transporting the same outside of this State shall be of the following size, to wit: Twenty-two (22) inches in length, twelve (12) inches in depth and seven and one-half (7½) inches in width inside clear measure.

Sec. 7. Use of liquid measures.—No person shall use a liquid measure in the purchase or sale of other than liquid commodities.

Sec. 8. Coal and grain sold by weight; proviso; delivery tickets; provisos.—All grain, coal, coke or charcoal, regardless of quantity, shall be sold by weight. No person, firm or corporation shall deliver or cause to be delivered any grain or coal in amounts exceeding one hundred pounds without each sale or delivery being accompanied by a delivery ticket and duplicate thereof: *Provided*, That

[1] See footnote, p. 20, relative to Federal standard barrel.

there shall be a delivery ticket and duplicate thereof delivered with each load of grain or coal sold and delivered. On both tickets there shall be distinctly and indelibly expressed, in ink or otherwise, the quantity or quantities in pounds of grain or coal, coke or charcoal contained in the cart, wagon or other vehicle used in such delivery, the name of the purchaser thereof, and the name of the dealer from whom purchased. One of such tickets shall be delivered to the person receiving such coal, and the other ticket shall be retained by the seller of the grain or coal: *Provided, however*, That the provisions of this section shall not apply to grain, coal, coke or charcoal sold to be delivered by the entire car or cargo direct from the vessels, boats or cars containing the same to one designation [destination], and accepted by the purchaser on the original bill of lading or invoice as proof of weight: *Provided further*, Grain, coal, coke, or charcoal in quantities less than one hundred pounds may be sold by the standard dry measure.[2]

Sec. 8a (1912). Capacity of bottles for milk and cream; variations permissible; vessels marked; designating number.—Bottles used for the sale of milk and cream shall be of the capacity of half-gallon, three pints, one quart, one pint, half-pint and one gill, filled full to the bottom of the cap ring or stopple. The following variations on individual bottles or jars may be allowed: Six drams above and six drams below on the half-gallon; five drams above and five drams below on the three pints; four drams above and four drams below on the quart; three drams above and three drams below on the pint; two drams above and two drams below on the half-pint, and two drams above and two drams below on the gill. Bottles or jars used for the sale of milk shall have clearly blown, or otherwise permanently marked, in the sides or bottom of the bottle the name, initials or trade-mark of the manufacturer and a designating number, which designating number shall be different for each manufacturer and may be used in identifying the bottles. The designating number shall be furnished by the State superintendent of weights and measures upon application by the manufacturer, and a record of the designating numbers and to whom furnished shall be kept in the office of the superintendent of weights and measures.

Sec. 8b. Penalty for noncompliance; dealer's responsibility.—Any manufacturer who sells milk and cream bottles to be used in this State that do not comply as to size and marking with the provisions of this act shall suffer a penalty of five hundred dollars, to be recovered in an action of debt to be brought by the State superintendent of weights and measures, and the penalty, when recovered, shall be paid into the treasury of this State. Any dealer who knowingly uses for the purpose of selling milk or cream jars or bottles purchased after this law takes effect that do not comply with this section as to marking the capacity shall be guilty of a misdemeanor.

Sec. 8c (1914). Fruit, berries, and vegetables, containers for.—No person shall sell or deliver, or have in possession with intent to sell or deliver, any fruit or fruits, berries or vegetables, contained in any basket, box or other container, unless such basket, box or other container shall be of the capacity, in standard dry measure, of thirty-

[2] So much of this law as relates to the use of dry measures for determining amounts or quantities is repealed by Public Laws, 1924, ch. 59, infra.

two, twenty, sixteen, eight, four or two quarts, or one quart or one pint: *Provided, however*, That nothing in this act contained shall be construed to apply to the sale or delivery, or the possession, with intent to sell or deliver, of any fruit or fruits, berries or vegetables contained in any sealed can, jar or bottle, or which are sold by the barrel, except cranberries, which may be sold in standard crates or barrels, of the standard measure as provided by the act to which this act is a further supplement.

Sec. 8d. Capacity of container plainly marked.—No person except as hereinbefore provided shall sell or deliver or have in possession with intent to sell or deliver, any fruit or fruits, berries or vegetables, contained in any basket, box or other container, unless such basket, box or other container shall have legibly marked on the outside thereof, by the manufacturer thereof, in English letters or Arabic numerals, the exact capacity of said basket, box or other container, and unless said basket, box or other container shall also contain the name and address of the manufacturer thereof, painted or written thereon, legibly in the English language; provided, however, that any manufacturer of any such baskets, boxes or other containers may mark thereon, in lieu of his name and address, a sign or symbol furnished him by the superintendent of weights and measures of this State.

Sec. 8e. Penalty; collection of penalty.—Any person violating any of the provisions of this act shall be liable to a penalty of not less than five nor more than one hundred dollars for each offense. Such penalty may be sued for and recovered by the State superintendent of weights and measures or by the county or municipal superintendent of weights and measures of the county or municipality in which such violation occurred. The proceedings for the collection of such penalty shall be in all respects the same as the proceedings for the collection of penalties under and by virtue of the provisions of the act to which this act is supplemental with the amendments and supplements thereof, including any amendments and supplements which may hereafter be passed or become effective.

Sec. 8f. "Person" defined.—The word "persons" as used herein, shall include copartnerships and corporations.

Sec. 8g. Repeal.—An act entitled "A supplement to an act entitled 'An act to establish a uniform standard of weights and measures in this State, to establish a department of weights and measures, and to provide penalties for the use of other than standard or legal weights and measures,' approved April twenty-fourth, nineteen hundred and eleven," which said supplement was approved March twelfth, nineteen hundred and thirteen, is hereby repealed.

Sec. 9 (1911). Superintendents and assistants; organization.—The department of weights and measures shall consist of a State superintendent, of assistant State superintendents, of county superintendents and assistant county superintendents and of a municipal superintendent and assistant municipal superintendents of weights and measures, as hereinafter provided. Each person appointed as hereinafter provided as either superintendent or assistant superintendent shall, before entering upon his duties, take an oath of office, as provided by law.

Sec. 10, as amended by Laws, 1920, ch. 209, p. 404. Appointment of State and county superintendents; municipal superintendents.—The governor, by and with the advice and consent of the senate, shall appoint a State superintendent for a term of five years. The governing bodies of the respective counties shall designate the county superintendent. The governing body of any municipality having a population of sixty thousand or over shall by ordinance provide for the office of municipal superintendent of weights and measures and shall designate the municipal superintendent. When such municipal body shall have adopted such ordinance, and shall have designated such superintendent the clerk of such municipality shall file with the State superintendent a certified copy of such ordinance and such designation, which shall be entered upon the records of the State superintendent. The governing body of any municipality, other than municipalities above referred to, may by ordinance provide for the office of municipal superintendent of weights and measures and may designate the municipal superintendent. When such municipal body shall have adopted such ordinance the clerk of such municipality shall forthwith file with the State superintendent a certified copy, and the person so designated shall forthwith be entered upon the records of the State superintendent as the municipal superintendent of weights and measures. Any person now holding office as a county or municipal superintendent of weights and measures, and all persons appointed as in this act provided, shall hold their said offices under and by virtue of the provisions of an act entitled "A supplement to an act entitled 'An act to establish a uniform standard of weights and measures in this State, to establish a department of weights and measures and to provide penalties for the use of other than standard or legal weights and measures,' approved April twenty-fourth, one thousand nine hundred and eleven," which said supplement was approved March twenty-first, one thousand nine hundred and twelve.

Sec. 11. Assistants; honorary superintendents.—The State superintendent may appoint three assistant State superintendents. The respective county and municipal superintendents may, upon resolution of the respective governing bodies of said counties or municipalities appoint assistant county or municipal superintendents. The number of such superintendents and assistant superintendents for such county or for such municipality shall be fixed by the governing body of such county or such municipality. No other persons shall be engaged within the State for compensation in the capacity of superintendent, sealer or inspector of weights and measures; nor shall any other person act in any official capacity as such superintendent, sealer or inspector, provided that the State superintendent may at his discretion temporarily appoint honorary or special superintendents with all the powers of the regular county or municipal superintendents. Such honorary or special superintendents shall serve without compensation.

Sec. 12, as amended by Laws, 1925, ch. 157, p. 397. Qualifications for superintendents.—The State superintendent shall possess scientific and technical knowledge of the construction and use of standards of weights and measures. All county and municipal superintendents and all assistant superintendents shall be persons of sufficient scien-

tific knowledge to properly inspect, examine and report on the technical condition of said standards. All county superintendents of weights and measures now holding such positions, in counties which have adopted the provisions of the civil service act, shall be placed in the classified service thereof, and shall continue in such positions, and all municipal superintendents of weights and measures, in municipalities which have adopted the provisions of the civil service act, shall continue in said positions, subject to the provisions of the civil service law.

Sec. 12a, as amended by Laws, 1920, ch. 210, p. 406. Tenure of office of superintendents and employees.—The county superintendents and municipal superintendents of weights and measures appointed by the governing body of the respective counties or the governing body of any municipality or other governing bodies, and the secretaries and assistant superintendents appointed by the respective governing bodies or by the respective county or municipal superintendents of weights and measures, upon resolution of said governing bodies, shall hold their office during good behavior, and shall not be removed, discharged or reduced in pay or position except for inefficiency, incapacity, conduct unbecoming an employe or other just cause, and until the said officials shall have been furnished with the written statements of the reasons for such removal, discharge or reduction, and shall have been given a reasonable time to make written answer thereto. Nor shall such removal, discharge or reduction be made until the charge or charges shall have been examined into and found true in fact by the governing board or body of such county or municipality appointing the said superintendent or superintendents, secretaries or assistant superintendents at a hearing, upon reasonable notice to the person charged, at which time he may be represented by counsel and offer testimony of witnesses or any other evidence in his own behalf.

Sec. 12b (1912). Clerical assistance.—The State superintendent of weights and measures is hereby authorized to appoint not more than two clerical assistants as he may deem necessary, the salary of such clerical assistants to be paid out of the treasury of this State, in such amounts as shall be fixed and determined upon by said State superintendent. The total amount for such services shall not exceed the sum of two thousand and four hundred dollars in any one year.

Sec. 13, as amended by Laws, 1920, ch. 333, p. 595. Salaries of superintendents and assistants.—The salary of the State superintendent of weights and measures shall be forty-five hundred dollars per annum. The salaries of the assistant State superintendents shall be fixed by the State superintendent of weights and measures in accordance with the schedules provided by the State civil service commission. The salary of the county and assistant county and municipal and assistant municipal superintendents shall be fixed by the governing body of such county or municipality, as the case may be; such salary shall be paid in the manner and at the time now or hereafter provided by law, but the salary of no county or assistant county or municipal or assistant municipal superintendents, now in office, shall be decreased or diminished during his incumbency of such office or position.

Sec. 13a (1912). Expenses of county superintendents.—In addition to the salary provided by law or by the governing bodies appointing a

county superintendent of weights and measures, the said county superintendents shall be entitled to have and receive the actual expenses incurred by them personally in performing the duties of their office, such as transportation, livery, telephone, telegraph and postal charges, to be paid by the board of chosen freeholders of their respective counties on bills itemized and properly sworn to.

Sec. 14 (1911). Authority of superintendents.—The State superintendent and all assistant State superintendents, county and municipal superintendents and their assistants, shall have full power and authority to weigh or have weighed grain, coal, or other commodities while in transit from the dealer therein to the purchaser thereof, either at the request of the buyer or on the initiative of the superintendent or his assistant, either State, county, or municipal, and it shall be the duty of the State superintendent to send his assistant into any county of the State where county superintendent had not been appointed, and said superintendent may send said assistant into any county of the State, and the expenses of said assistant inspectors while making said tour of inspection shall be paid out of the fund provided by law for the department of weights and measures.

Sec. 15. Duties of superintendents of weights and measures; possession, keeping, and certification of standards; supervising authority.—It shall be the duty of each county and municipal superintendent to take charge of all copies of the standards adopted by this act as the standards of the State, which shall be by order of the State superintendent entrusted to his care as the official standard of such county or municipality; and shall take all other precautions necessary for their safe-keeping and for their maintenance in good order. The State superintendent shall be the custodian of all standards now the property of the State received by law from the Federal Government or which may hereafter be legally procured from or certified to by the National Bureau of Standards, and he shall submit all standards of said State once in ten years to the said National Bureau of Standards for certification. He shall correct the standards of the several counties and municipalities, and shall at least once in five years compare the same with those in his possession.

The State superintendent shall have general supervision of the administration of the provisions of this act; shall make such rules for the administration of the affairs of his office and of the offices of the county and municipal superintendents as may be necessary for its proper enforcement. He shall have general supervision over the work of the said county and municipal superintendents. The assistant State superintendents shall be under the direct control of the State superintendent; the asssitant county and assistant municipal superintendents shall be under the direct control of the superintendent of their respective counties or municipalities, and shall have all the powers and authority of a superintendent of weights and measures in making inspections and measurements.

Sec. 16. Jurisdiction of county officers.—The jurisdiction of the county superintendents of weights and measures and their assistants shall extend throughout the county for which they were appointed except there be appointed municipal superintendents as above provided, in which case the jurisdiction of the county superin-

tendents will not extend to such municipalities. But nothing in this act shall prevent any county or municipal superintendent or assistant from making official inspections in any municipality in this State upon the designation of the State superintendent.

Sec. 17, as amended by Laws, 1918, ch. 11, p. 68; tests; seal of correctness; weights and measures tested and sealed annually.—Upon the request of any citizen, firm, corporation or other interested party made to the State superintendent or any municipal or county superintendent, such superintendent shall cause test to be made of any weights or measures; and if such weight or measure be found correct, or be made correct, such superintendent or assistant shall affix thereto the seal of the department certifying to the correctness thereof.

It is the purpose of this act that all the weights and measures used in trade within this State shall be tested and sealed at least once in each year; and it hereby becomes the duty of every county or municipal superintendent to cause such inspection of the weights and measures used within his jurisdiction to be made as heretofore provided.

Sec. 18 (1911). Inspections and rules for sales; official badge.—Whenever any weight or measure has been duly tested as herein provided for, and has been found correct, the superintendent or assistant making the test shall properly seal the same. If such weight or measure shall not be found correct or it shall not be possible to make it correct, said weight or measure shall not be used, but shall be disposed of as hereinafter provided. It shall be the duty of the State superintendent and his assistants to direct and assist the county and municipal superintendents in making inspections, and such State superintendent may also make rules and regulations which shall govern the sale of commodities. Every person so employed under any section of this act shall devote all his time to the duties of the office. Each superintendent and assistant superintendent shall be furnished with a badge displaying his official number, and shall exhibit the same when demanded at any time during the performance of his duties. It shall be the duty of the State superintendent to design, number, register and issue such badges.

Sec. 19, as amended by Laws, 1918, ch. 11, p. 68. Information supplied; records; what to show; annual reports; annual tests in State departments.—It shall also be the duty of the State superintendent to disseminate such information to the citizens of this State as will tend to protect them from the use of false weights and measures.

Every superintendent shall keep a complete record of all standards examined by him, and every municipal and county superintendent shall once in each month, not later than the fifth day thereof, send to the State superintendent of weights and measures, upon blanks furnished by said State superintendent, a report.

Such report shall contain: (1) The number of tests made since the last preceding report; (2) the number of weights, measures and balances found by such tests to be correct; (3) the number of weights, measures and balances found by such tests to be false; (4) the number of prosecutions instituted by such superintendents since the last preceding report, together with the name and address of the accused, the name of the court where proceedings were instituted,

and the result of such prosecutions; (5) such other matters as the State superintendent may from time to time prescribe.

Every municipal and county superintendent shall also make an annual report in writing of his work to the State superintendent, which annual report shall be duly subscribed and sworn to by such superintendent making report and shall be forwarded to the State superintendent within ten days after the last day of the State fiscal year. Such annual report shall contain a transcript of the reports of all inspections; and the State superintendent shall within thirty days after the last day of the State fiscal year make a report to the legislature, which shall contain, besides any recommendations or suggestions deemed necessary or desirable, an abstract or digest of the reports of the municipal and county superintendents.

The State superintendent or one of his assistants shall at least once annually test all weights and measures used in checking the receipt or disbursement of supplies in any department or institution maintained wholly or in part by the State. He shall keep a complete record of all the orders and rules of his department, of all the standards, balances and other apparatus in his custody belonging to the State, and shall take an itemized receipt from his successor in office of all such standards, balances and other apparatus.

Sec. 20 (1911). National standards procured; standards for counties and municipalities; exclusive use of standards.—It shall be the duty of the State superintendent to procure a set of standards properly certified by the National Bureau of Standards, which shall be paid for out of the funds of the State.

It shall be the duty of the superintendent of each county or municipality to procure such standards, and the necessary testing and sealing apparatus, to be paid for out of the funds of the county or municipality, as the case may be.

In no case shall said standards, whether furnished by the United States or duly certified by them, be used by any superintendent for any other purpose than proving or adjusting standards of weights and measures as provided for in this act, and all assistant superintendents shall be provided with suitable standards or copies thereof for use in the performance of their duties.

Sec. 21. Official seal; certificates of authority.—The State superintendent shall provide a suitable official seal to be used by him during his term of office and duly surrendered by him to his successor.

He shall also provide for himself and for the use of the county and municipal superintendents, seals or certificates of proper form and wording to be attached to standards of weights and measures which shall have been approved in pursuance of the provisions of this act.

Sec. 22. Inspection on request of owner; deviation from standard; notification; correction.—Whenever any inspection of weights and measures has been made as hereinbefore provided upon the request of the owner thereof, if any weights and measures so inspected shall be found not to conform to the legal standard, the superintendent or assistant superintendent shall notify such owner in writing that the use of such weight or measure is illegal. Within fifteen days after the serving of such notice the owner thereof shall have such weight or measure corrected or substituted for another, and notify in writing

the superintendent of such county or municipality to that effect, or shall deliver to such superintendent within said time the defective weight or measure for confiscation; and for his failure to so do, he shall be liable to a fine of twenty-five dollars.

Sec. 23. Inspection; deviation; correction; confiscation; penalty.—Upon the first official inspection of any weight or measure, except where the inspection is made upon the request of the owner thereof as provided for in the preceding section, if such weight or measure shall be found to deviate from the legal standard, and the deviation shall be of such nature as not to be easily known or ascertained by the owner thereof, it shall be lawful for the owner to correct such weight or measure, so that it may conform to the legal standard, and upon failing to do so, within two days after such inspection it shall be lawful for the superintendent to take possession of and destroy such weight or measure. If the said deviation or the causes thereof shall be patent or easily seen or easily capable of being known by the owner thereof, it shall become the duty of the superintendent or assistant superintendent to immediately take possession of and destroy such weight or measure, and the owner thereof shall be liable to a penalty of five dollars in addition to any other penalties and punishments herein provided.

Sec. 24. Incorrectness after sealing.—If any weights or measures theretofore sealed and certified as correct shall be found thereafter to be incorrect, the owner thereof shall be liable to a penalty of ten dollars.

Sec. 25. All weights and measures must be tested within one year; proviso.—After one year from the passage of this act it shall be unlawful for any person to buy or sell goods by the use of any weight or measure which has not been tested and sealed according to the provisions of this act, under penalty of twenty-five dollars: *Provided*, That no contract shall be declared void unless one of the contracting parties has been injured by the use of the weight or measure not tested and sealed.

Sec. 26, as amended by Laws, 1918, ch. 11, p. 68. Penalties; recovery of penalty.—Any person who injures or defrauds another by using, or causes to be used, or has in his possession a false weight, measure or other apparatus for determining the quantity of any commodity, or article of merchandise, or sells or exposes for sale less than the quantity he represents, shall for the first offense be liable to a penalty of not less than twenty-five dollars nor more than fifty dollars, and for a second offense be liable to a penalty of not less than fifty dollars nor more than one hundred dollars, and for each subsequent offense shall be liable to a penalty of not less than one hundred dollars nor more than two hundred dollars, or imprisonment for not less than thirty days nor more than ninety days, or both, the amount of said penalty to be determined, as aforesaid, in the discretion of the district court or police magistrate having jurisdiction, and if any person or persons shall fail to pay the penalty or penalties as imposed, together with the cost of prosecution, the said court or police magistrate shall issue execution against the goods and chattels and body or bodies of the defendant or defendants as provided in section thirty-nine hereof with the same force and effect: *Provided, however*, That the period of detention of ten days provided therein shall in this case be extended to a period not exceeding ninety days.

Sec. 27 (1911). Retention of false scales a misdemeanor.—A person who retains in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it, or permit it to be used in violation of the last section, is guilty of a misdemeanor.

Sec. 28. Improper marking.—A person who knowingly marks or stamps false or short weights, or false tare on any cask or package, or knowingly sells or offers for sale any cask or package so marked, is guilty of a misdemeanor.

Sec. 29. Deviation allowable.—The State superintendents of weights and measures shall fix tolerances or allowable deviations from the standards as herein prescribed, and he may change the same from time to time, but in no case shall such allowable deviation be less than one-half of one per centum. No penalty shall be imposed for such an allowable deviation. It shall be the duty of the inspector, however, to cause all weights and measures to conform as nearly as possible to the standard, before sealing.

Sec. 30. Each piece a separate violation.—The use, ownership or possession of each separate weight or measure in violation of any of the provisions of this act shall be deemed as separate violations thereof. Nothing herein shall be construed to create a penalty for any deviation in weights or measures from the standard as herein set forth when such deviation shall be to the disadvantage of the owner thereof.

Sec. 31. Scale of penalties; penalty doubled for second offense.—Any deviations from the official standards herein prescribed, either in weights or measures or in packages, crates, barrels or other receptacles in which any commodity is sold or offered for sale, which shall exceed the allowable error as set forth in section twenty-nine hereof by more than three times the amount of such allowable error, shall be punished by a penalty double that otherwise prescribed, and should such deviation exceed such allowable error by more than five times such allowable error, the penalty shall be three times that otherwise provided. The penalty or punishment for an offense or penalty incurred under any of the provisions of this act shall be double that otherwise prescribed herein, upon its being shown that such person has heretofore been fined, punished or convicted under the same or any other section of this act, providing the act, or omission upon which such second penalty or offense is based shall have occurred after the conviction or recovery for such first offense.

Sec. 32. Presence of weights, etc., presumption of use.—For the purposes of this act, proof of the existence of weights or measures in or about any building, inclosure, stand or vehicle in or from which it is shown buying or selling is commonly carried on, shall be presumptive proof of their regular use for such purposes and of their ownership by the person so using or possessing them, and such facts shall be deemed to remain established until disproved beyond reasonable doubt.

Sec. 33. As to authenticity of standards.—Each weight or measure used by any superintendent or assistant superintendent as a standard for testing the weights and measures used in buying or selling shall be stamped or marked by the superintendent of such county or municipality in such manner as he may determine. A certificate which certifies to the correctness of such weight or measure, designating the same by number, and giving the date of its comparison

with any of the standard weights and measures deposited with any State, county or municipal superintendent as in this act provided, shall be presumptive evidence that such weight or measure has continuously since that date of such comparison conformed with the said standards and the national and State standards. Such certificate shall be signed by the superintendent of the State or the superintendent of such county or municipality, and any certificate substantially setting forth the above facts and purporting to be so signed by such a superintendent shall upon its production be admitted as such presumptive evidence, without further proof of its authenticity.

Sec. 34. Penalty for hindering official.—No person shall in any way or manner hinder or molest any duly authorized superintendent or assistant superintendent in the performance of the duties herein imposed upon him, under penalty of one hundred dollars for every such offense.

Sec. 35. Penalty for refusing to exhibit weights, etc., and for altering sealed weights; penalty for altering sealed weights.—No person shall refuse to exhibit any weights or measures to any of said superintendents or assistant superintendents for the purpose of being so inspected and examined, nor shall any person refuse to admit such officer to his store, or place of business, during the usual hours for business, nor shall any person who may be buying, selling or delivering goods, liquids or commodities from any wagon or conveyance refuse to permit such officer to examine any weights or measures which may be in or about such conveyance, under the penalty of twenty-five dollars for every such offense. No person shall alter or change in any manner any weight or measure, or allow the same to be done, after the same has been tested and sealed by any officer or inspector under the authority of this act, so that the same shall weigh or measure incorrectly, under penalty of one hundred dollars for each such offense.

Sec. 36. General penalty.—Any person violating any of the provisions of this act for which a specific penalty has not been provided shall be liable to a penalty of ten dollars.

Sec. 37. New scales to be standard; penalty for selling false scales.—Whenever any weight or measure is sold or delivered after sale to any person within this State for the purpose of use in the purchase of or in the sale of commodities, such weight or measure shall be of the legal or true standard as heretofore provided in this act, and any person selling a false weight or measure with knowledge that it is to be used in weighing or measuring commodities shall be liable to a penalty of fifty dollars.

Sec. 38. Action if scale easily arranged to defraud.—Whenever any superintendent shall find that a particular weight or measure is so constructed as to facilitate the perpetration of fraud, he may decline to seal the same, and in such case shall report his act to the State superintendent, who shall thereupon make an investigation, and if satisfied that its use is prejudicial to the best interests of the public shall make an order that such standard shall be treated as an unlawful standard. Such order may be reviewable both as to the law and to the fact upon application to the supreme court.

Sec. 39 (a1913). Recovery of penalties.—An action to recover any penalty incurred under the provisions of this act may be brought

in the name of the State of New Jersey by any duly appointed superintendent or any assistant superintendent by complaint in writing, duly verified by such superintendent or such assistant superintendent, which verification may be upon information and belief, or may be verified by the complaining witness, to be filed with the police magistrate or the district court of any municipality in this State alleging the violation in said municipality of any of the provisions of this act or acts supplementary thereto or amendatory thereof, who is hereby authorized to issue a summons returnable in from one to ten days from the date thereof, same to be served not less than two days prior to the return thereof, or a warrant directed to any superintendent or to any assistant superintendent, or to any constable or police officer commanding him to cause the person or persons so complained of to be summoned or arrested and brought before such judge or magistrate who shall at the return of the said summons or warrant forthwith in a summary way hear and determine the guilt or innocence of such person or persons, and upon conviction shall impose upon such person or persons so convicted the penalty or penalties prescribed for such offense, together with the costs of prosecution of the proceedings in said court, or before such magistrate, and if any person or persons shall fail to pay the penalty or penalties so imposed, together with the costs of prosecution, execution shall be issued against his or their goods and chattels, body or bodies without any order of the court for that purpose first had and obtained. If the officer executing any such writ shall be unable to find sufficient goods and chattels of said defendant or defendants in his bailiwick to make the amount of said judgment and costs, he shall take the body of the defendant or defendants and deliver him or them to the keeper of the common jail of said county for a period not to exceed ten days, except as may be otherwise in this act in this respect provided; or until said penalty and costs are sooner paid: *Provided, however*, That the defendant or defendants may be released upon order of the judge or magistrate before the expiration of any imprisonment prescribed in default of payment of any judgment, upon the written order of the committing magistrate or a justice of the supreme court, in the discretion of said judicial officer, after one day's notice of time and place of application for such order to the State superintendent of weights and measures. It shall be the duty of the city attorney of any municipality wherein such violation shall take place to assist in the prosecution of the same, unless such municipality has no such municipal superintendent of weights and measures, as provided for in section ten hereof in which case the public prosecutor of the county wherein such violation shall take place, shall assist in such prosecution. All fines and penalties collected from persons offending against the provisions of this act shall be paid by the magistrate receiving the same into the county treasury of such county, unless such penalty was incurred within a municipality or municipalities having a municipal superintendent, as provided in section ten, in which case such penalty shall be paid into the treasury of said municipality or municipalities pro rata.

Sec. 39a (1913). Arrest without warrant, summary hearing.—For violation of any of the provisions of the act to which this act and

section is supplementary, done within the view of any superintendent or assistant superintendent of weights and measures, such superintendent or assistant superintendent is authorized, without warrant, to arrest the offender or offenders and to conduct him or them before the judge or police magistrate having jurisdiction in said municipality wherein such arrest is made and offense committed, and such judge or police magistrate is hereby authorized and required on verified complaint in writing, setting forth the nature of the offense for which said arrest was made, to be filed then and there with such judge or police magistrate, before the commencement of the hearing, to hear and determine in a summary way the guilt or innocence of such person or persons, and inflict the penalties provided by law.

Sec. 39b, as amended by Laws, 1918, ch. 11, p. 68. Right of appeal.—Any party to any proceeding instituted under this act may appeal from the judgment or sentence of the district court or police magistrate to the court of common pleas of the county in which the said proceedings take place: *Provided*, That the party appealing shall, within ten days after the date of the said judgment, file a written notice of appeal with the district court or police magistrate, pay the costs of such proceedings, and deliver to such district court or police magistrate a bond to the opposite party in double the amount of the judgment appealed from, with at least one sufficient surety, conditioned to prosecute the said appeal and to stand to and abide by such further order or judgment as may hereinafter be made against said party, which appeal shall act as a stay of execution, unless said appeal shall be dismissed for want of jurisdiction in the court appealed to, in which case the district court or police magistrate may issue execution as in this act provided upon the remanding and dismissal of the appeal papers to said district court or magistrate with certified copy of the order of dismissal as aforesaid.

Sec. 39c (1913). Transcript sent to court of common pleas.—Whenever an appeal shall be taken as aforesaid, it shall be the duty of the district court or police magistrate to send all papers, together with a transcript of the proceedings in the case to the next term of the court of common pleas of the said county, if at least five days shall intervene between the rendition of said judgment and the commencement of said term of court; but, if otherwise, then said proceeding shall be brought on and heard at the next subsequent term of said court, which court shall hear and determine such appeal in the same way and manner as said case was heard and determined by such district court or police magistrate, who shall render final judgment therein, upon which judgment in case of affirmance of conviction, execution directed to the sheriff as provided in the first instance in sections twenty-six and thirty-nine hereof may issue: *Provided, however*, That if the defendant shall be committed to jail under any execution provided for in this act, on failure to pay the amount due of penalty and costs, such commitment shall be construed as a waiver and release of any appeal bond previously given in the proceeding.

Sec. 40 (1911). Act, how construed.—This act shall be deemed a public act, and shall be liberally construed. Should any section or

provision thereof be held unconstitutional or invalid, it shall not be held to affect any other section or provision hereof.

Sec. 42 (1912). Fruits, vegetables, not to be sold in baskets containing less than one-half bushel.—Hereafter it shall be unlawful for any person or corporation in this State to sell any fruit, vegetables and the like by the basket, which basket shall contain less than half of a bushel.

Sec. 43. Penalty.—Any person or corporation violating any of the provisions of this act shall be liable to a penalty of twenty-five dollars for each offense, to be recovered in an action of debt by the board of health of the State of New Jersey, in the name of the State: *Provided, however*, Nothing in this act shall prevent the selling of a larger or smaller measure than that denominated in this act.

Comp. Stats., 1910, Vol. 2, p. 2586.

Sec. 94 (1896). Bread to be sold by weight.—That hereafter all bread sold in this State shall be sold by weight, and the weight of all loaves of bread offered for sale shall be specified by the baker or dealer to the consumer, if said consumer require it; all bread sold shall be free from all impure or foreign substances or any material injurious to health.

Sec. 95. Penalty.—Any person offending against the provisions of this act by refusing to specify the weight when so required, or by falsely specifying said weight intentionally or by wilfully inserting in bread made or sold by him any impure or foreign substance or material injurious to health, shall, upon conviction therefor, be punished by a fine not exceeding the sum of twenty-five dollars for each offense, in the discretion of the court.

Sec. 96. Jurisdiction.—Any offenses under this act shall be cognizable in cities before recorders or police magistrates exclusively where there are such magistrates, and in towns, cities and other places where there is no such magistrate, before a justice of the peace.

Laws, 1924, ch. 59, p. 110.

Sec. 1. Commodities sold by weight instead of dry measure; proviso.—From and after the taking effect of this act, all commodities heretofore commonly offered for sale, or sold by dry measure or by basket, barrel or container of any kind, except as hereinafter provided, shall be offered for sale or sold upon the basis of avoirdupois net weight or by numerical count only, and it shall thereafter be unlawful for anyone to use or employ any dry capacity measure, basket, barrel or container of any kind as a means of determining the amounts or quantities of any such commodities offered for sale, or sold: *Provided, however*, That the provisions of this act shall not be construed to apply to fruits and vegetables sold in the original standard container, nor to vegetables which by common custom are offered for sale, or sold by the bunch; nor shall the provisions of this act be construed to apply to fresh berries and to other small fruits which are customarily offered for sale, and sold by the box, basket or other receptacle, except, however, when such fresh berries or such other small fruits are offered for sale, or sold in bulk, in which case the provisions of this act shall apply to the extent that such fresh berries and such other small fruits shall be offered for

sale, and sold by avoirdupois net weight only: *Provided further, however*, That all fresh berries and such other small fruits when offered for sale, or sold shall be so offered or sold in boxes, baskets or receptacles of uniform size to hold one quart or one pint dry measure only, which said boxes, baskets or other receptacles shall be uniformly and evenly filled throughout.

Sec. 2. Enforcement of act.—The State superintendent of weights and measures, his duly authorized assistants and all county and municipal superintendents of weights and measures are hereby charged with the enforcement of the provisions of this act.

Sec. 3. Penalty for violation; recovery of penalty; jurisdiction.—Any person, firm, copartnership, corporation or association violating any of the provisions of this act shall, for the first offense, be liable to a penalty of not less than twenty-five dollars nor more than fifty dollars, and for a second offense be liable to a penalty of not less than fifty dollars nor more than one hundred dollars and for each subsequent offense shall be liable to a penalty of not less than one hundred dollars nor more than two hundred dollars. An action for the recovery of a penalty for the violation of any of the provisions of this act shall be in the nature of an action in debt and the same may be instituted and the penalty recovered either in the district court of any city or judicial district or in the small cause court of any county or before the police magistrate or the recorder of any city, town, township, borough or village. Jurisdiction is hereby conferred upon the district court, and the small cause court, and on the police court and the recorder's court of any city, town, township, borough or village of this State to hear and determine actions instituted under this act, it being the intent hereof to confer jurisdiction upon the said small cause court, the police court, and the recorder's court in jurisdictions where a district court exists, notwithstanding any law of this State providing that no justice of the peace or small cause court shall have jurisdiction over any case or proceeding cognizable before a district court where the defendant or defendants reside within any city or judicial district where a district court is established and notwithstanding any law of the State prohibiting any justice of the peace resident within the limits of any city or judicial district where a district court is established from exercising any civil jurisdiction.

Sec. 4. Official proceedings; disposition of penalties.—County superintendents and assistant county superintendents of weights and measures, municipal and assistant municipal superintendents of weights and measures, are authorized to bring proceedings within their respective jurisdictions, in their official capacities, for the use of the county or municipality which they represent. Penalties when recovered in the name of a county or assistant county superintendent of weights and measures shall be payable to the county collector of such county, and when recovered by a municipal or assistant municipal superintendent of weights and measures, shall be payable to the municipality which such official represents.

Sec. 5. "Commodities" defined; "dry capacity measure" defined; "original standard container" defined.—The term "commodities" as used in this act shall be construed to mean articles of food, other

than liquids, which are capable of being measured by dry capacity measure and which have been at any time prior to the passage of this act sold by dry capacity measure in this State.

The term " dry capacity measure " within the meaning of this act shall be construed to be the bushel, half-bushel, peck, half-peck, quarter-peck, quart, pint, half-pint and similar measures.

The term " original standard container " as used in this act shall be construed to mean and include only barrels, boxes, baskets, hampers or similar containers, the dimensions or capacity of which is established by law of this State or by act of Congress, the contents of which have not been removed or repacked, and upon which is plainly and conspicuously marked the net quantity of contents thereof in terms of weight, measure or numerical count.

Laws, 1920, ch. 223, p. 428.

Sec. 1. Fruits and vegetables in crates, baskets, and carriers, how marked.—Any person who shall pack or cause to be packed fruits or vegetables in crates, covered baskets and carriers, for the purpose of selling, offering or exposing for sale said fruits or vegetables so packed, shall plainly and conspicuously mark or stamp in lettering not less than three-eighths of an inch in size, on the outside or top of the said crates, baskets or carriers his name and address.

Sec. 2. Removal of old markings.—Before so marking or stamping his name and address on any basket, crate or carrier, said packer shall remove all other names and addresses therefrom, excepting the name and address of the manufacturer of said basket, crate or carrier.

Sec. 3, as amended by Laws, 1921, ch. 93, p. 155. Penalty; recovery of penalties; authority to bring proceedings; disposition of penalties.—Any person, firm or corporation violating any of the provisions of this act shall for the first offense be liable to a penalty of not less than twenty-five dollars and not more than fifty dollars, and for the second offense shall be liable to a penalty of not less than fifty dollars and not more than one hundred dollars, and for each subsequent offense shall be liable to a penalty of not less than one hundred dollars and not more than two hundred dollars.

An action for the recovery of a penalty for violation of the provisions of this act shall be in the nature of an action in debt, and may be brought in the district court of any city, or judicial district in the small cause court of any county, and before the police magistrate and recorder of any city, town, township, borough or village, and jurisdiction is hereby conferred upon the district court, the small cause court, the police court and the recorder's court of any city, town, township, borough or village to hear and determine actions brought as aforesaid.

County superintendents and assistant county superintendents of weights and measures, municipal and assistant municipal superintendents of weights and measures, are authorized to bring proceedings within their respective jurisdictions, in their official capacities, for the use of the county or municipality which they represent. Penalties, when recovered in the name of a county or assistant county superintendent of weights and measures, shall be payable to the county collector of such county, and when recovered by a municipal or assistant municipal superintendent of weights and measures shall be payable to the municipality which such official represents.

Sec. 4. "Person" defined.—The word "person" as used in this act shall include corporations, co-partnerships and associations.

Laws, 1924, ch. 20, p. 47.

Sec. 1. Standards for Climax baskets.—Standards for Climax baskets for grapes and other fruits and vegetables shall be the twelve-quart basket, four-quart basket and two-quart basket, respectively:

(*a*) The standard twelve-quart Climax basket shall be of the following dimensions: Length of bottom piece, sixteen inches; width of bottom piece, six and one-half inches; thickness of bottom piece, seven-sixteenths of an inch; height of basket, seven and one-sixteenth inches, outside measurement; top of basket, length, nineteen inches, width nine inches, outside measurement. Basket to have cover nine inches by nineteen inches, when cover is used.

(*b*) The standard four-quart Climax basket shall be of the following dimensions: Length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenths inches, outside measurement; top of basket, length fourteen inches, width six and one-fourth inches, outside measurement. Basket to have cover six and one-fourth inches by fourteen inches, when cover is used.

(*c*) The standard two-quart Climax basket shall be of the following dimensions: Length of bottom piece, nine and one-half inches; width of bottom piece, three and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, three and seven-eighths inches, outside measurement; top of basket, length eleven inches and width five inches, outside measurement. Basket to have a cover five by eleven inches, when a cover is used.

Sec. 2. Application of act.—No person, firm, copartnership or corporation shall sell or deliver, or have in possession with intent to sell or deliver, any fruit or fruits, berries or vegetables, contained in any Climax basket or baskets unless such Climax basket or baskets shall be of the capacities and dimensions as in this act specified: *Provided, however*, That nothing in this act contained shall be construed to apply to the sale or delivery, or the possession with intent to sell or deliver, of any fruit or fruits, berries or vegetables contained in any basket, box or other container the capacities of which are specified in an act entitled "A further supplement to an act entitled 'An act to establish a uniform standard of weights and measures in this State, to establish a department of weights and measures and to provide penalties for the use of other than standard or legal weights and measures,' approved April twenty-fourth, nineteen hundred and eleven, and to repeal a certain supplement thereto, approved March twelfth, nineteen hundred and thirteen," as same was approved April seventeenth, one thousand nine hundred and fourteen.

Sec. 3. Markings required.—No person, firm, copartnership or corporation shall sell or deliver, or have in possession with intent to sell or deliver, any fruit or fruits, berries or vegetables, contained in any Climax basket or baskets unless such Climax basket or baskets shall have legibly marked on the outside thereof, by the manufacturer thereof, in English letters or Arabic numerals, the exact

capacity of said Climax basket or baskets and unless said Climax basket or baskets shall also contain the name and address of the manufacturer thereof, painted or written thereon, legibly in the English language: *Provided, however*, That any manufacturer of any Climax basket or baskets as in this act specified may mark thereon, in lieu of his name and address, a sign or symbol furnished him by the superintendent of weights and measures of this State.

Sec. 4. Unlawful to manufacture or sell baskets not conforming to act.—It shall be unlawful to manufacture for shipment, or to sell for shipment any Climax basket or baskets for fruits, berries or vegetables, whether filled or unfilled, which do not conform with the provisions of this act.

Sec. 5. Examination and test.—The examination and test of Climax baskets for fruits, berries or vegetables for the purpose of determining whether such baskets comply with the provisions of this act, shall be made by the State department of weights and measures, and the State superintendent of weights and measures shall establish and promulgate rules and regulations allowing such reasonable tolerances and variations as may be found necessary.

Sec. 6. Penalties for violations.—Any person, firm, copartnership, corporation or association violating any of the provisions of this act shall, for the first offense, be liable to a penalty of not less than twenty-five dollars nor more than fifty dollars, and for a second offense be liable to a penalty of not less than fifty dollars nor more than one hundred dollars, and for each subsequent offense shall be liable to a penalty of not less than one hundred dollars nor more than two hundred dollars. An action for the recovery of a penalty for the violation of any of the provisions of this act shall be in the nature of an action in debt and the same may be instituted and the penalty recovered either in the district court of any city or judicial district or in the small cause court of any county or before the police magistrate or the recorder of any city, town, township, borough or village. Jurisdiction is hereby conferred upon the district court, and the small cause court, and on the police court and the recorder's court of any city, town, township, borough or village of this State to hear and determine actions instituted under this act, it being the intent hereof to confer jurisdiction upon the said small cause court, the police court, and the recorder's court in jurisdictions where a district court exists, notwithstanding any law of this State providing that no justice of the peace or small cause court shall have jurisdiction over any case or proceeding cognizable before a district court where the defendant or defendants reside within any city or judicial district where a district court is established and notwithstanding any law of the State prohibiting any justice of the peace resident within the limits of any city or judicial district where a district court is established from exercising any civil jurisdiction.

Sec. 7. Proceedings, who may bring; disposition of penalties.—The State superintendent of weights and measures or his assistants, county or assistant county superintendents of weights and measures, municipal or assistant municipal superintendents of weights and measures, are authorized to bring proceedings within their respective jurisdictions, in their official capacities, for the use of the State or of the county or municipality which they represent. Penalities when re-

covered in the name of the State superintendent of weights and measures or his assistants shall be payable to the State treasurer, and when recovered by the county or assistant county superintendent of weights and measures shall be payable to the county collector of such county, and when recovered by a municipal or assistant municipal superintendent of weights and measures, shall be payable to the municipality which such official represents.

Laws, 1916, ch. 268, p. 561.

Sec. 2, as amended by Laws, 1923, ch. 24, p. 54. Standards for receptacles for farm products.—The State department of agriculture may, from time to time, establish and promulgate standards that may be used by producers and distributors under the provisions of this act for the grading and other classification of farm products, and in co-operation with the department of weights and measures establish and promulgate standards for receptacles for farm products.

Sec. 4, as amended by Laws, 1923, ch. 24, p. 54. Investigation; fee for services.—The secretary may designate any competent employee or agent of the State department of agriculture to make, upon request, investigations, inspections and classifications of farm products in accordance with standards which have become effective under this act. When any such investigations, inspection or classification is made, the employee or agent shall issue a certificate of the grade or other classification of the farm product involved.

The secretary of agriculture is authorized to fix, assess and collect, or cause to be collected, fees for such services, when they are performed by employees or agents of the State department of agriculture.

Laws, 1919, ch. 197, p. 434.

Sec. 1. "Commodity" defined.—The term "commodity" as used in this act shall, for the purpose of this act, be taken to mean and include anything which is commonly sold by weight or measure or other apparatus for determining quantity.

Sec. 2, as amended by Laws, 1921, ch. 91, p. 152. Penalty for selling under weight; recovery of penalty.—Any person, firm, corporation or association that sells or exposes for sale less than the quantity represented of any commodity, as defined in this act, shall, for the first offense, be liable to a penalty of not less than twenty-five dollars nor more than fifty dollars, and for a second offense be liable to a penalty of not less than fifty dollars nor more than one hundred dollars, and for each subsequent offense shall be liable to a penalty of not less than one hundred dollars nor more than two hundred dollars. An action for the recovery of a penalty for violation of the provisions of this act shall be in the nature of an action in debt, and may be brought in the district court of any city, or judicial district in the small cause court of any county, and before the police magistrate and recorder of any city, town, township, borough or village, and jurisdiction is hereby conferred upon the district court, the small cause court, the police court and recorder's court of any city, town, township, borough or village to hear and determine actions brought as aforesaid.

Sec. 3, as amended by Laws, 1921, ch. 91, p. 152. Bringing proceedings; disposition of penalties recovered.—County superintendents and assistant county superintendents of weights and measures, municipal and assistant municipal superintendents of weights and measures, are authorized to bring proceedings within their respective jurisdictions, in their official capacities, for the use of the county or municipality which they represent. Penalties, when recovered in the name of a county or assistant county superintendent of weights and measures, shall be payable to the county collector of such county, and when recovered by a municipal or assistant municipal superintendent of weights and measures shall be payable to the municipality which such official represents.

Sec. 4, as amended by Laws, 1921, ch. 91, p. 152. Actions to have precedence.—Actions instituted for the recovery of penalties, under the provisions of this act, shall be given precedence over cases set for hearing on the day when actions under this act are to be tried.

Laws, 1916, ch. 181, p. 383.

Sec. 1. Net weight to be marked on packages containing food; tolerances and exemptions.—No person shall distribute or sell, or have in his possession with intent to distribute or sell, any article of food in package form unless the net quantity of the contents be plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count: *Provided, however*, That reasonable variations and tolerances and exemptions as to small packages shall be permitted, and that the State superintendent of weights and measures shall by order fix such tolerances and exemptions[3] as to small packages as shall have been or may hereafter be fixed by the Secretary of the Treasury and the Secretary of Agriculture and the Secretary of Commerce and Labor of the United States of America, and such tolerances and exemptions shall be published at the end of the sessions laws of the legislature next thereafter published after the making of said order, and such tolerances and exemptions as fixed in said order shall take effect when so published: *Provided, further*, That if any such tolerance or exemption so adopted shall be changed by the three secretaries above named, it shall not continue in effect in this State after such change has become effective. Any such order may be prima facie proven in any court by the mere production of the volume of such laws containing the publication thereof.

Sec. 2, as amended by Laws, 1921, ch. 95, p. 157. Penalties for violations; recovery of penalties; authority to bring proceedings; disposition of penalties recovered.—Any person, firm, copartnership or corporation violating any of the provisions of this act shall, for the first offense, be liable to a penalty of not less than twenty-five dollars nor more than fifty dollars; and for the second offense shall be liable to a penalty of not less than fifty dollars and not more than one hundred dollars; and for each subsequent offense shall be liable to a penalty of not less than one hundred dollars nor more than two hundred dollars. An action for the recovery of a penalty for violation of the provisions of this act shall be in the nature of an action in debt, and may be brought in the district court of any city, or

[3] See p. 17 for Federal regulation.

judicial district in the small cause court of any county, and before the police magistrate and recorder of any city, town, township, borough or village, and jurisdiction is hereby conferred upon the district court, the small cause court, the police court and the recorder's court of any city, town, township, borough or village to hear and determine actions brought as aforesaid. County superintendents and assistant county superintendents of weights and measures, municipal and assistant municipal superintendents of weights and measures, are authorized to bring proceedings within their respective jurisdictions, in their official capacities, for the use of the county or municipality which they represent. Penalties, when recovered in the name of a county or assistant county superintendent of weights and measures, shall be payable to the county collector of such county, and when recovered by a municipal or assistant municipal superintendent of weights and measures shall be payable to the municipality which such official represents.

Laws, 1918, ch. 47, p. 137.

Sec. 1. Publication with session laws.—The publication of the tolerances and exemptions provided for in the act to which this act is a supplement shall be published at the end of the session laws for the year one thousand nine hundred and eighteen, and when so published shall have the same force and effect as if such tolerances and exemptions had been published as provided in the act to which this act is a supplement.

Laws, 1918, p. 1279.

Exemptions on small packages.—The following shall be the exemptions on small packages, from the provisions of the law requiring the quantity of the contents to be marked on the outside of the package, fixed by the State superintendent of weights and measures in accordance with the tolerances and exemptions fixed by the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor of the United States of America, viz:

(1) A package containing two[4] (2) avoirdupois ounces of food, or less, is "small" and shall be exempt from marking in terms of weight.

(2) A package containing one (1) fluid ounce of food, or less, is "small" and shall be exempt from marking in terms of measure.

(3) A package wherein the units of food are six (6), or less, is deemed "small" and shall be exempt from marking in terms of numerical count.

The foregoing is prescribed in accordance with the provisions of chapter 47, Laws of 1918, approved February 14, 1918, supplementing chapter 181, P. L., 1916.

Laws, 1919, ch. 215, p. 504.

Sec. 1. Sale of ice by avoirdupois weight; scales tested.—Every person, firm or corporation selling or offering for sale any ice, shall, at the time of the delivery thereof, weigh by avoirdupois weight the quantity of ice delivered, and for this purpose shall have a scale

[4] An amended regulation was issued Apr. 21, 1919, under the Federal food and drugs act, by the Secretaries of the Treasury, Agriculture, and Commerce, changing the weight of a package which is considered "small" from 2 ounces to ½ ounce. See p. 19.

tested and sealed by the State department of weights and measures. or by any county or municipal superintendent of weights and measures.

Sec. 2. Weight of tongs deducted.—Each and every set of tongs used for the delivery of ice shall have permanently stamped thereon the exact and true avoirdupois weight thereof by the State department of weights and measures or by a county or municipal superintendent of weights and measures, and such weight, stamped as aforesaid, shall be deducted from the total weight of ice as determined on the scale by which the same is weighed.

Sec. 3. Penalties for cheating.—Any person, firm or corporation engaged in the business of selling ice who shall deliver any ice without first having weighed the same, or who sells less than the quantity represented, shall be liable to a penalty of twenty-five dollars for the first offense, fifty dollars for the second offense and to a penalty of one hundred dollars for each subsequent offense.

Sec. 4, as amended by Laws, 1921, ch. 92, p. 154. Recovery of penalties; authority to bring proceedings.—An action for the recovery of a penalty for violation of the provisions of this act shall be in the nature of an action in debt, and may be brought in the district court of any city, or judicial district, in the small cause court of any county, and before the police magistrate and recorder of any city, town, township, borough or village, and jurisdiction is hereby conferred upon the district court, the small cause court, the police court and recorder's court of any city, town, township, borough or village to hear and determine actions brought as aforesaid. County superintendents and assistant county superintendents of weights and measures, municipal and assistant municipal superintendents of weights and measures, are authorized to bring proceedings within their respective jurisdictions, in their official capacities, for the use of the county or municipality which they represent. Penalties, when recovered in the name of a county or assistant county superintendent of weights and measures, shall be payable to the county collector of such county, and when recovered by a municipal or assistant municipal superintendent of weights and measures shall be payable to the municipality which such official represents.

Laws, 1924, ch. 117, p. 221.

Sec. 1. Sale of thread; net weight or length to be marked.—No person, firm or corporation shall after January first, nineteen hundred and twenty-five, sell or offer for sale sewing, basting, darning, crochet, tatting, knitting, or embroidery thread, made of cotton, flax, silk or any similar fibre, put up on spools, tubes, cones, bobbins, or in balls, skeins or other similar packages, unless there is affixed to or impressed upon a conspicuous part of each of such spool, tube, cone, bobbin, ball, skein, or other similar package, a label or stamp which shall be plain and conspicuous, and which shall plainly indicate either the net weight in avoirdupois pounds and ounces, or the length in yards of such thread: *Provided*, That when the net weight of such thread on any such spool, tube, cone, bobbin, or in any such ball, skein or other similar package is less than two avoirdupois ounces, then such label or stamp shall indicate the length of such thread in yards, before such packages or any thereof are offered for sale: *Provided, further*, That where, from the shape, size or character

of the spool, tube, cone, bobbin, ball, skein or other similar package it is impossible so to affix or impress such label or stamp, a label or stamp shall be affixed to the box or other container in which such packages are put up, stating the number of units contained therein and the net weight or yardage of each such unit as hereinbefore prescribed.

Sec. 2. Penalty for violation.—If any person, firm or corporation shall sell or offer for sale such thread on any such spool, tube, cone, bobbin, or in any such ball, skein or other similar package or box, or other container, without a label or stamp specifying the net weight or number of yards of thread contained thereon, as provided in section one of this act, or shall sell or offer for sale such thread on any such spool, tube, cone, bobbin, or in any such ball, skein or other similar package, or box or other container, weighing or measuring more than five per centum less than the net weight or number of yards that the label or stamp thereon specifies, then such person, firm or corporation shall, for the first offense, be liable to a penalty of not less than twenty-five dollars nor more than fifty dollars, and for a second offense be liable to a penalty of not less than fifty dollars nor more than one hundred dollars and for each subsequent offense shall be liable to a penalty of not less than one hundred dollars nor more than two hundred dollars. An action for the recovery of a penalty for the violation of any of the provisions of this act shall be in the nature of an action in debt and the same may be instituted and the penalty recovered in the district court of any city or judicial district; in the small cause court of any county, and before any police magistrate or recorder of any city, town, township, borough or village, and jurisdiction is hereby conferred upon such district courts, small cause courts, police courts and recorder courts to hear and determine actions brought as aforesaid.

Sec. 3. Enforcement.—The State superintendent of weights and measures, his duly authorized assistants and all county and municipal superintendents of weights and measures are hereby charged with the enforcement of the provisions of this act.

Sec. 4. Proceedings for recovery of penalties.—County and assistant county superintendents of weights and measures and municipal and assistant municipal superintendents of weights and measures, are hereby authorized and directed to bring proceedings within their respective jurisdictions, in their official capacities, for the recovery of such penalties as in this act provided, for the use of the county or municipality which they represent. Penalties when recovered in the name of a county or assistant county superintendent of weights and measures shall be payable to the county collector of such county, and when recovered by a municipal or assistant municipal superintendent of weights and measures shall be payable to the municipality which such official represents.

Laws, 1920, ch. 200, p. 391.

Sec. 1. Public weighmasters, who are; oath; certificate of appointment.—All firms, corporations, copartners or individuals engaged in the business of weighing for hire, who shall weigh or measure any commodity, produce or article, and issue therefor a weight certificate which shall be accepted as the accurate weight upon which the pur-

chase or sale of such commodity, produce or article is based, shall be known as a public weighmaster, and all such weighmasters shall be appointed by the State superintendent of weights and measures: *Provided*, That any firm, corporation or individual not engaged in the business of weighing for hire, but to whom the services of a certified weigher are necessary for the proper conduct of any business in which they may be engaged, may, upon application to the State superintendent of weights and measures, have one or more of their employees, or some suitable person, designated by the said State superintendent of weights and measures to act as weighmaster for such firm, corporation or individual. Each weighmaster shall, before entering upon his duties, make oath faithfully to execute his trust as a weighmaster. Said State superintendent of weights and measures shall issue a certificate of such appointment or designation and shall keep a record of the same.

Sec. 2. Rights and duties.—The rights and duties of all weighmasters shall be prescribed by said State superintendent of weights and measures, and such weighmasters shall not receive compensation from the State for the duties so performed.

Sec. 3. Form of weight certificate, by whom prescribed; information it shall contain; prima facie evidence, when.—The State superintendent of weights and measures shall also prescribe the form of weight certificate to be used by all public weightmasters in this State. Such certificate shall state thereon the kind of commodity, produce or article, the number of units of the same, the date of the receipt of the commodity, produce or article, the owner, agent or consignee, the total weight of the commodity, produce or article, the vessel, railroad, team, truck or other means by which the commodity, produce or article was received, and any trade or other mark thereon, and such other information as may be necessary to distinguish or identify the commodity, produce or article from a like kind. No certificate other than the one herein prescribed shall be used by any public weighmaster in this State, and such certificate, when so made and properly signed, shall be prima facie evidence of such weights.

Sec. 4. Seal of weighmaster.—It shall be the duty of every weighmaster in this State to provide himeslf with a seal, at his own expense, which seal shall have inscribed on the outer margin thereof his name and the words "New Jersey," with the words "Public weigher" inscribed in center of said seal, which seal shall be impressed upon each and every weight certificate issued by such weighmaster, and said seal, when applied to weight certificates, shall be a recognized authority of accuracy.

Sec. 5. Records of weighings.—All public weighmasters shall keep and preserve correct and accurate records of all public weighings as provided by this act, which records shall be open at all times for inspection by the State superintendent of weights and measures or his assistants.

Sec. 6. Certificates to contain accurate and correct weights; false certificates, penalty for issuing.—All certificates of weights and measures, as provided by this act, shall contain the accurate and correct weight of any and all commodities weighed when issued by the public weighmaster.

Any weighmaster who shall issue a certificate of weights and measures, giving a false weight or measure of any article or commodity

weighed or measured by him or his representative to any person, firm or corporation, shall, upon being found guilty of such offense, pay a fine of not less than one hundred dollars nor more than five hundred dollars, and, in addition, shall forfeit his certificate as weighmaster, which certificate, when so forfeited, shall be turned over the State superintendent of weights and measures.

Sec. 7. Requesting weighmaster to issue false certificate; unauthorized person acting as weighmaster; penalty.—Any person, firm or corporation who shall request a weighmaster to weigh any product, commodity or article falsely or incorrectly, or who shall request a false or incorrect certificate of weight or measure, or any person issuing a certificate of weights and measures who is not a weighmaster as provided for in this act, shall, upon being found guilty, pay a fine of not less than one hundred dollars nor more than five hundred dollars.

Sec. 8. Reweighing of article by State superintendent, when.—When doubt or differences arise as to the correctness of the net or gross weight of any amount or part of any commodity, produce or article for which a certificate of weights and measures has been issued by a public weighmaster, the owner, agent or consignee may, upon complaint to the State superintendent of weights and measures, or his assistants, have said amount or part of the amount of any commodity, produce or article reweighed by the State superintendent of weights and measures or his assistants, or a public weighmaster designated by him, the services for which reweigh, when performed by the said State superintendent of weights and measures or his assistants, shall be gratis.

Sec. 9. Term of appointment of weighmaster.—The term of appointment for weighmasters shall be for three years, and a fee of five dollars shall be paid by each person appointed or designated as weighmaster to the State superintendent of weights and measures, which fee shall be turned over to the treasurer of the State by the said State superintendent of weights and measures: *Provided*, That a similar fee as provided in this section shall be required for all renewals of appointments or designations as weighmasters, which fee shall also be turned into the treasury of the State by the State superintendent of weights and measures.

Comp. Stats., 1910, Vol. 2, p. 1483.

Sec. 152 (1897). Oyster bushel measure; penalty.—All oysters measured in this State shall be measured in a circular bushel tub, with straight sides and straight solid bottom, and said tub shall have the following dimensions, viz: Fifteen inches in diameter across the top from inside to inside, and thirteen inches and three-quarters across the bottom from inside to inside, and twenty inches diagonal from inside chime to top; any person or persons engaged in buying or selling oysters in the shell in this State and measuring the same in any measure contrary to the provisions of this section of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding one hundred dollars or imprisonment in the county jail not exceeding ninety days, or both, at the discretion of the court; the proceeds of said fine to go, one-half to the Delaware Bay Oyster Tongers' Association and one-half to the informer.

Laws, 1924, ch. 234, p. 520.

Sec. 2. Condensed, evaporated or concentrated skimmed milk to be put up in containers holding five pounds, net weight.—No person shall distribute or sell or manufacture for distribution or sale or have in his possession with intent to distribute or sell, any condensed, evaporated or concentrated skimmed milk, whether with or without the addition of sugar, and whether as such or compounded with any other substance, in hermetically sealed cans or receptacles, unless each said can or container shall contain at least five (5) pounds net weight and bear the name and address of the manufacturer or distributor distinctly branded, indented, labeled or printed thereon, * * *.

Comp. Stats., 1910, Vol. 4, p. 5854.

Sec. 32 (1877). Brands for packages of butter or cheese; name of manufacturer and weight of vessel; penalties.—That every cooper or manufacturer of firkins, tubs or other vessels for the package of butter or cheese, shall brand in legible letters and characters, upon every such firkin, tub or vessel by him manufactured, his name, together with the actual and true weight of such firkin, tub or vessel, and if any cooper or manufacturer shall dispose of any such firkin, tub or vessel without such brand, or shall falsely brand the same, he shall forfeit and pay to such person as shall prosecute for the same, the sum of twenty-five dollars; to be recovered by action of debt in any court of competent jurisdiction.

Sec. 33. Brands; penalties for defacing; alteration.—That it shall not be lawful for any person to sell and dispose of any butter or cheese packed or placed in any firkin, tub or vessel manufactured or made for such purpose in this State, unless such firkin, tub or vessel shall be branded in the manner provided in the first section of this act, and if any person shall disregard this provision or shall alter or purposely deface the brand which may be made under the direction of this act, every such person shall forfeit and pay the sum of twenty-five dollars to such person as shall sue for the same, to be recovered in an action of debt, in any court of competent jurisdiction.

Sec. 34 (1907). Standard measure for sale of milk.—No person or corporation shall hereafter sell, offer for sale, or receive for the purpose of sale, any milk, skimmed milk or cream, except such sale, offer or receipt for sale, shall as to quantity be based upon the liquid gallon, containing two hundred and thirty-one cubic inches, or the liquid quart, containing fifty-seven and seventy-five one hundredths cubic inches, or the proper and complete liquid subdivisions thereof.

Sec. 35. Marking of milk cans.—Any cans originally containing more or less than forty quarts of milk or cream shall be labeled or tagged, naming in quarts the original capacity of liquid measure of such cans of milk or cream, but no can originally containing forty quarts liquid measure shall be labeled or tagged.

Sec. 36. May be sold by weight.—Nothing in this act shall be construed as prohibiting the buying or selling of milk or cream either by weight or on the butter fat basis.

Sec. 37. Penalty.—Any person violating any of the provisions of this act shall be liable to a penalty of fifty dollars, to be recovered in an action of debt, before the small cause court, or district court, by any person who may desire to sue therefor, who shall be designated in the state of demand and summons as plaintiff, and when

recovery is had such penalty shall be paid to the county collector of the county in which the said violation occurred. * * *

Laws, 1913, ch. 263, p. 500.

Sec. 1. Regulation of meters.—The board of street and water commissioners in the cities of the first class shall have power and authority, to regulate by ordinance, in such city, the use of meters for measuring water; and also for measuring gas or electricity, when used for heat, light or power; and to prescribe the method of installation; and for the supervision of the testing of the same; and also to impose penalties for violation of such ordinance.

Comp. Stats., 1910, Vol. 4, p. 5848.

Sec. 9 (1908). Chain.—The standard chain for the measurement of land shall consist of four (4) rods of sixty-six (66) feet.

Sec. 10. State geologist to keep standard steel tape, etc.—The State geologist is hereby directed and required to preserve in his office a surveyor's hardened steel tape, fifty feet in length, of United States standard measurement, graduated to feet and hundredths, with proper adjustment for temperature, and with a spring balance attachment to pull not less than six nor more than seven pounds. The said tape shall be the standard of measurement for the surveying of all land in the State of New Jersey. The said standard shall be subject to the use, in the office of the State geologist, or under his supervision, of any surveyor of this State for the purpose of testing chains or tapes used by any such surveyor.

Suppl., 1911–1915, to Comp. Stats., 1910, p. 602.

Sec. 1 (1912). Fertilizers, how marked.—All corporations, firms or persons, before selling or offering for sale any commercial fertilizer, in the State of New Jersey, shall brand or attach to each bag, barrel or package in a conspicuous place on the outside thereof a plainly printed statement giving the following particulars and no others:

(1) The number of pounds of fertilizer contained in the package.

(2) The name, brand or trade-mark under which the fertilizer is sold.

(3) The name and principal address of the manufacturer, importer or other person putting the fertilizer on the market in this State. * * *

Sec. 11 (1913). Definition.—The term "agricultural lime" shall be held to include all of the various forms of lime used for agricultural purposes.

Sec. 12. Conditions of sale; information supplied.—No agricultural lime shall be sold or offered for sale in this State without a plainly printed statement printed or attached to each package, or if it is sold or offered for sale in bulk the statement to accompany the shipment, giving the following information:

(*a*) The number of pounds of agricultural lime contained in each package. If the shipment is in bulk, the number of pounds in the shipment.

(*b*) The name of the particular form of the lime.

(*c*) The name and principal address of the manufacturer or other person responsible for putting the material on the market in this State. * * *

Suppl., 1911–1915, to Comp. Stats., 1910, p. 732.

Sec. 53 (1912). Parcels labeled statement.—Every lot or parcel of commercial feeding stuffs sold, offered or exposed for sale or distribution in this State shall have affixed thereto a tag or label, in a conspicuous place on the outside thereof, containing a legible and plainly printed statement in the English language, clearly and truly certifying:

(*a*) The net weight of the contents of the package, lot or parcel;

(*b*) The name, brand, or trade-mark;

(*c*) The name and principal address of the manufacturer or person responsible for placing the commodity on the market. * * *

Stats., 1915, ch. 116, p. 1647.

Sec. 5819 (1913). Standard weights and measures.—All the weights and measures accepted and used by the Government of the United States at the present time, except as herein provided, shall be deemed the lawful standard weights and measures of the people of this State.

Sec. 5820 (1867). Yard substituted for vara.—The vara measure is suppressed, substituting in lieu thereof as the legal measure in this State, the yard, this being the measure generally approved in the United States.

Sec. 5821 (1913). Office of public weighmaster created; deputies; appointment; oath.—The office of public weighmaster is hereby established, and the sheriffs are hereby declared to be ex-officio public weighmasters for their respective counties.

The public weighmaster shall appoint one or more deputy weighmasters for his county, who may be regular deputy sheriffs, which deputies shall have all the powers conferred upon the public weighmaster, and shall be liable to all the penalties to the same extent as the public weighmaster for violation of the provisions of this chapter. All such deputies shall keep a record of their transactions as herein prescribed for the public weighmaster, which record shall be open at all times to public inspection, and all deputy weighmasters appointed under the provisions of this chapter shall, before entering upon the duties of their offices, take and subscribe to an oath for the faithful performance of their duties.

Sec. 5822. Weighmaster's office at county seat; records; expenses.—The public weighmaster shall keep his office at the county seat of his county, and the county shall provide record books and blanks, and actual expenses incurred in connection with his office shall be paid out of the county current expense fund, upon warrants drawn by the county commissioners, supported by verified itemized statements of the weighmaster. All books, reports or other records in the office of such public weighmaster shall be delivered to his successor in office.

Sec. 5823. Record of inspection of scales; certificate.—It shall be the duty of the public weighmaster to procure a record book for his office and a record book for each deputy weighmaster, such book to contain blank certificates, and upon the inspection of any scales herein required to be inspected, it shall be the duty of the weighmaster or the deputy, in case said scales be found to conform to the standard of weights for this State, to deliver to the owner thereof a certificate to that effect. A copy of such certificate shall be preserved as a permanent record in the office of the public weighmaster.

Sec. 5824. Duty of weighmaster and deputies.—It shall be the duty of the public weighmaster of each county, in person or by his deputy,

to inspect and test all scales used by any and all merchants or persons engaged in the business of buying and selling commodities, and such scales shall be tested with the standard weights of this State. Such test shall be made once each six months upon all scales so used, and said public weighmaster or deputy shall make a report in writing, setting forth the date of such test, the result thereof, and specifying the scales so tested. Such report shall be filed in the office of the public weighmaster within thirty days after such inspection. Said public weighmaster or the deputy making such test shall verify each report so filed, stating that the same is a correct, true and exact report of the condition of the scales mentioned therein.

Sec. 5825. Petition for inspection.—Whenever as many as five citizens sign a written request to the public weighmaster for an official inspection of any such scales, such public weighmaster shall forthwith comply with such request and make or have made such inspection and test, not oftener however than once each thirty days; or, if the public weighmaster has reasonable cause to believe that any such scales have been altered after inspection, he shall thereupon inspect the same, but if found unaltered no charge for such inspection shall be made.

Sec. 5826. Misstatement by weighmasters; penalty.—Any public weighmaster or deputy making a misstatement of facts, or who reports any scale to be in a condition other than its true condition, or who knowingly omits from inspection any scale or violates any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment for not less than thirty days nor more than ninety days or both such fine and imprisonment.

Sec. 5827. Secretary of state to keep standards of weights and measures.—The secretary of state shall procure and keep in his office the following standards of weights, which shall conform in every particular to the United States standards of weights: One fifty pound weight, one twenty-five pound weight, one ten pound weight, one five pound weight, one one pound weight, one one-half pound weight, one one-quarter pound weight, one one-eighth pound weight, one one-sixteenth pound or one ounce weight, one set of apothecaries weights from one pound to one grain, which weights are hereby declared to be the legal standards of weights for this State. Said secretary of state shall be charged with the custody and be accountable to the State for the proper use and care of the same. Such standards shall be used only for testing the standards provided for in this chapter.

Sec. 5828. Secretary of state to furnish duplicate standards.—The secretary of state shall procure, test, and deliver to each county duplicates of said standard weights.

Sec. 5829. County commissioners shall procure duplicate weights; penalty.—The board of county commissioners of each county shall procure from the secretary of state a sufficient number of such duplicates of weights as may be necessary for the use of the public weighmaster and deputies in such county, which duplicate weights shall be paid for by the county, and be delivered to the public weighmaster. Any failure upon the part of the county commissioners to comply

with the provisions of this section shall be deemed a misdemeanor, and upon conviction shall subject any such offending official to a fine of not less than twenty dollars nor more than two hundred dollars.

Sec. 5830. Duplicate weights furnished deputies.—The public weighmaster is hereby required to deliver to each deputy such duplicate weights as may be necessary for making the tests required by this act, and shall be responsible under his bond as sheriff for their delivery to his successor in office.

Sec. 5831. Fees to deputy weighmaster.—The deputy public weighmaster shall be entitled to demand and receive to his own use for the inspection provided for in this act the following fees:

For inspecting railroad and track scales of capacity of 20 tons and upwards, each	$1.50
For inspecting scales of from 3 to 20 tons capacity each	1.00
For inspecting dormant scales, each	1.00
For inspecting movable platform scales, each	.25
For inspecting beams weighing 100 lbs. and upwards, each	.25
For inspecting hopper scales, each	1.00
For inspecting counter scales, each	.25
For inspecting each balance, beam, steelyard or other instrument used for weighing other than those above enumerated	.25

Sec. 5832. Public scales; sale of hay and wood; regulations.—The council of every incorporated city, town or village shall prescribe rules for the weighing of commodities upon any scales operated therein by any person, firm or corporation for the use of the public, and shall regulate the charges therefor, and shall designate the place or places where hay and wood may be exposed for sale by persons having no fixed place of business in such city, town or village. And any failure upon the part of the council to comply with the provisions of this section shall be deemed a misdemeanor and upon conviction shall subject any such offending official to a fine of not less than fifty dollars nor more than five hundred dollars.

Sec. 5833. Sale of bread.—The council of any city, town or village shall have power to regulate the sale of bread and prescribe the weight and quality in the loaf.

Sec. 5834. Bushel measure defined.—Whenever the articles hereinafter named shall be sold by the bushel, and no special contract or agreement shall be made to the contrary, the bushel shall consist of the following number of pounds, viz:

	Pounds		Pounds
Alfalfa seed	60	Corn in the ear, unhusked	72
Apples	45	Corn meal	50
Apples, dried	24	Corn, shelled	56
Barley	48	Cucumbers	48
Beans	60	Cotton seed	32
Beets	56	Flax seed	56
Bermuda grass seed	40	Hemp seed	44
Blue grass seed	14	Hungarian grass seed	50
Bran	20	Indian corn	56
Buckwheat	52	Kaffir corn	56
Carrots	50	Lime, unslacked	80
Castor beans	46	Millet seed	50
Cement	80	Oats	32
Charcoal	20	Onions	57
Clover seed	60	Onion bottom sets	32
Coal, mineral	80	Onion top sets	30
Coke	40	Orchard grass seed	14
Corn in the cob	70	Parsnips	42

	Pounds
Peaches	48
Peaches, dried	33
Peanuts	22
Pears	48
Peas	60
Pop corn in the ear	70
Pop corn, shelled	56
Potatoes	60
Potatoes, sweet	50
Quinces	48
Rape	50
Rutabagas	50
Rye	56
Sand	130
Sorghum seed	50
Timothy seed	45
Tomatoes	50
Turnips	56
Wheat	60

Sec. 5835. Perch of masonry defined.—A perch of mason work, or stone, is hereby declared to consist of sixteen and one-half feet cubic measure.

Sec. 5836. Ton of hay defined.—Unless otherwise agreed upon, a ton of hay, when sold by weight, shall consist of two thousand pounds; or, when sold by measurement, when loose upon a wagon or freshly stacked, five hundred twelve cubic feet; when stacked thirty days and less than sixty days four hundred twenty-two cubic feet; and when stacked over sixty days three hundred and eighty cubic feet.

Sec. 5837 (1901). Rule established for measuring hay.—The following rule and method of measuring loose hay in the stack, and specifying the cubical contents of a ton of loose hay, is hereby established.

Sec. 5838. Measuring a stack of hay; tonnage of hay stacked twenty days and for hay stacked sixty days.—Measure the stack for length, width, and the "over," to get the "over," throw a tape line over the stack at an average place, from ground to ground, drawing it tightly.

Multiply the width by the over and divide this result by four.

Multiply result of division by the length, for approximate cubical contents of stack.

To reduce to tons, for hay that has stood in stack less than 20 days, divide cubical contents by 512, for more than 20 and and less than 60 days divide cubical contents by 422, for more than 60 days divide cubical contents by 380.

Example. Stack measures 17 feet wide, 58 feet long, and 36 feet over. Stack has stood 15 days.

Multiply 17 by 36 equals 612.

Divide 612 by 4 equals 153.

Multiply 153 by length 58 equals 8874 which gives the cubical contents in feet.

Divide 8874 by 512 equals $17\frac{3}{10}$ tons in stack.

Sec. 5839 (1913). Definition of ton; short weight; penalty.—When any commodity is sold by the ton, unless otherwise agreed upon, a ton shall consist of two thousand pounds.

Whoever shall sell or deliver a less quantity than prescribed in the foregoing sections of this act for a ton shall be deemed guilty of a misdemeanor.

Sec. 5840. Gallon measure defined; short measure; penalty; test samples of gasoline.—Whenever any of the following-named articles shall be sold or delivered by wholesale or in the original package within the State of New Mexico, unless otherwise provided by contract, such sale and all computations for payment and settlement therefor shall be by weight. The weight per gallon shall be not less than as follows:

	Pounds		Pounds
Naphtha	6⅓	Cod liver oil	7½
Kerosene oil	6½	Whale oil	7½
Paraffine oil	7½	Lard oil	7½
Castor oil	8	Neat's foot oil	7½
Olive oil	7⅝	Sperm oil	7¼
Linseed oil, raw	7½	Turpentine	7
Linseed oil, boiled	7½	Miner's oil	7½
Menhaden oil	7½	Gasoline	6⅓

Whoever in selling by retail or wholesale any of the said articles shall sell or deliver any less number of pounds to the gallon than is prescribed in this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars and not more than five hundred dollars for each offense, and shall be liable to the injured party in double the amount of the damages sustained to be recovered in any court of competent jurisdiction.

The public weighmaster of each county shall procure by purchase, in the open market of his county, once each year, a sample of gasoline, not less than four ounces, which he shall immediately transmit to one of the public inspectors. The expense of the purchase and transmission of said sample shall be paid by the county wherein they are procured.

Sec. 5841. Sale of dry commodities.—All dry commodities not otherwise specified in this chapter shall be sold only by standard dry measure, standard weight, or numerical count, except where parties otherwise agree.

Sec. 5842. Size of fruit boxes.—The standard size of an apple box shall be eighteen inches long, eleven and one-half inches wide, ten and one-half inches deep, inside measurement.

The standard size of a pear box shall be eighteen inches long, eleven and one-half inches wide, and eight inches deep, inside measurement.

Sec. 5843. Size of boxes for small fruits.—Berries and small fruits whenever sold in boxes shall be sold in boxes each containing a standard liquid quart or liquid pint, and, if any such box contains less than this quantity, the information must be given to the purchaser by such package being labeled with a statement of the net contents.

Sec. 5844. Milk measures; other liquid measures.—All milk or cream that shall be sold in bottles shall be sold only in bottles containing quarter pints, half pints, pints, quarts, half-gallons or gallons. All other liquid commodities shall be sold only by standard liquid measure or standard weight, except where parties otherwise agree.

Sec. 5845. Butter weight.—A print or package of butter shall contain sixteen ounces avoirdupois, and when a print or package of butter containing less than sixteen ounces avoirdupois shall be sold, its net weight shall be disclosed by the seller to the buyer, by such package being labeled with a statement of the net weight.

Sec. 5846. Violation of act; misdemeanor; penalty.—Any violation of the five preceding sections shall be deemed a misdemeanor, and upon conviction shall subject any such offender to a fine of not less than ten dollars nor more than one hundred dollars for each offense, or by imprisonment of not less than thirty days nor more than ninety days or both such fine and imprisonment.

Sec. 5847. Ice weights.—Any dealer in ice who neglects to provide scales for each wagon used by him for the delivery of ice, or who

refuses or neglects to weigh the same when delivering to purchaser, or gives false weight, shall for each such offense be punished by a fine of not more than fifty dollars.

Sec. 5848. Coal weight.—All retail dealers of coal shall furnish to the person to whom any sale of coal has been made a ticket or certificate stating the exact number of pounds of coal so sold and, in the event that the number of pounds of coal delivered by said retail dealer to the purchaser thereof is less than the amount stated in said ticket or certificate, said retail dealer shall be punished for each such offense by a fine of not more than fifty dollars.

Sec. 5849. Hay sold in bales; weights.—Hay and straw sold in bundles or bales shall be sold by weight, and any person who shall charge or receive pay for a greater number of pounds than is contained in any such bundle or bale at the time of delivery thereof shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than fifty dollars.

Sec. 5850. False weights and adulterated goods; penalty.—Every person selling any hops, cotton, hay or other goods sold in bags, bales, boxes, barrels or packages, by weight, who puts into or conceals therein anything whatever for the purpose of increasing the weight or adulterating the contents of such bag, bale, box, barrel or package, is punishable by a fine or not less than twenty-five dollars nor more than one hundred dollars for each such offense.

Sec. 5851. Warehouse scales to be tested; false weights; penalty.—All scales used for the weighing of property in public warehouses shall be subject to examination and test by any duly authorized public weighmaster, the expense of such tests to be paid by such warehouse man, and no scales shall be used for the weighing of grain or any other article after having been found incorrect, until put in order and found accurate and approved for further use by an authorized public weighmaster, and any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars.

Sec. 5852. Marking packages; failure to comply; penalty.—The correct name and true weight of the contents of each and every barrel, sack, bale, cask, box or package of any and all mill products, whether sold in single packages or lots, shall be plainly marked, branded or stenciled in letters and figures not less than one inch in length and not less than one-sixteenth of an inch in width, upon the exterior of such barrel, box, sack, bale, cask or package, in a conspicuous place on the head in case of barrel, and the front or branded side in case of sacks, bales, boxes or packages, and it shall be unlawful for any person, to sell or exchange any such product so packed or contained until the provisions hereof have been complied with.

If any person shall violate the provisions of this section, he shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, and each violation shall be deemed a separate offense.

Sec. 5853. Interfering with weighmaster; using false scales, etc.; false marks on packages; penalty.—Any person who shall impede, obstruct, hinder or interfere with any public weighmaster or other person in the performance of his duties as prescribed by this chapter; who shall

conceal from the public weighmaster any scales in his possession; who shall knowingly mark or stamp false or short weight or false tare on any cask or package, or knowingly sell or offer for sale any cask or package so falsely marked or which contains less than the quantity which he represented to contain; or who shall knowingly use any false balance or weight or measure in the weighing or measuring of anything whatever that is purchased, sold, bartered, shipped or delivered for sale or barter, or that is pledged or given in payment shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not less than twenty-five dollars, nor more than five hundred dollars or by imprisonment for not less than thirty days nor more than ninety days, or by both such fine and imprisonment.

Sec. 5854. Owners notify weighmaster of uninspected scales.—Any person owning or having in his possession any scale used for weighing, which scale has not been inspected as provided in this chapter, shall immediately notify the public weighmaster that he owns or has in his possession such a scale which has not been inspected as herein provided. Should any person fail to so notify the public weighmaster when owning or having in his possession such a scale, he shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty dollars nor more than two hundred dollars or by imprisonment for not less than thirty days nor more than ninety days, or by both such fine and imprisonment.

Sec. 5855. "Person" defined.—The word "person" as used in this chapter shall be construed to include a person, firm, company, corporation or association, whether acting as principal, agent or employe.

Sec. 5856. Weighmasters may make arrests; seizure of false scales.—Every public weighmaster or his deputy is authorized and required to arrest any person violating any of the provisions of this chapter, and to seize any false scales, weights or measures being used by any such person and to deliver the same to the magistrate before whom the person so arrested is taken.

The magistrate to whom any scale, weight or measure is delivered pursuant to this section shall cause the same to be tested by comparison with standards required by this chapter; and, if he finds it to be false, he shall cause it to be destroyed, if the case against the person accused of using the same has been disposed of, otherwise to be delivered to the district attorney of the county in which the accused is liable to indictment or trial.

Upon conviction of the accused, such district attorney shall cause any scale, weight or measure in respect whereof the accused stands convicted, and which remains in the possession or under the control of such district attorney, to be destroyed.

Laws 1921, ch. 158, p. 335.

Sec. 1. Office of public weigher.—The office treated of in this title shall be styled the "office of public weigher."

Sec. 2. Board of county commissioners may appoint weigher, when.—The board of county commissioners of any county in the State of New Mexico, when presented by a petition signed by twenty per cent of

the qualified voters of any justice precinct in the county praying for the appointment of a public weigher or public weighers for said precinct, shall appoint one or more suitable persons for public weighers for said justice precinct; the number of public weighers shall be determined by said board.

Sec. 3. Public weighers must be qualified electors.—No person shall be appointed a public weigher, unless he shall be a qualified elector in the justice precinct for which he is appointed.

Sec. 4. Must not be interested in purchase or sale of things weighed.—No person shall be appointed public weigher, or deputy weigher, who is interested in the purchase or sale of livestock, cotton, wool, grain, or coal to be weighed, either as principal, agent, factor, commission merchant or employe.

Sec. 5. Office may be abolished, when.—After the office of public weigher has been established for two years, the board of county commissioners of said county shall upon petition to abolish said office signed by qualified voters at least one-half in number of the whole vote cast for governor at the last preceding election in the public weigher's precinct, declare such office abolished to be effective within thirty days after presentation of such petition; and no public weigher shall be appointed in such precinct for two years thereafter.

Sec. 6. Oath and bond.—Every person appointed public weigher, shall take the oath of office prescribed by the constitution for other officers, and shall execute a bond with good and sufficient sureties in the sum of two thousand dollars, to be approved by the board of county commissioners of such county, and payable to the State of New Mexico, conditioned upon the faithful and impartial performance of the duties of the office.

Sec. 7. Duties of public weighers.—When a person is appointed public weigher and shall have qualified as provided in section 3, he shall enter upon the duties of his office and weigh, without unnecessary delay, all grain, cotton, wool, hay, coal, livestock or other commodities required to be weighed by him. He shall provide suitable and convenient place or places of easy access to the public in which to perform his duties. He shall deliver to the owner, a certificate or statement, written in ink or indelible pencil, setting forth the gross and net weight of such grain, hay, wool, livestock or other commodities weighted by him, over his official signature. He shall keep in a well-bound book a record of all articles weighed by him, giving the name of owner and weight of article or load, which book shall be open at all reasonable hours for the inspection of the public; and he shall, upon application therefor by anyone, issue certified copies of such certificates, for which he may charge the sum of ten cents, including certificate thereto. The provisions of this article shall also apply to private weighers who are engaged in weighing for the public, as well as public weighers.

Sec. 8. Appointment of deputies.—The public weigher shall have the power and authority to appoint as many deputies for his weighers precinct as may be necessary to enable them to expeditiously weigh all grain, wool, livestock, coal or other commodities offered to be weighed in the weigher's or justice precinct, for which they are appointed. The public weigher shall be responsible to the county for the faithful performance of the duties of deputies appointed by him. He may require of them a bond with good and sufficient surety

in the sum of one thousand dollars, and conditioned for the faithful performance of their duties; and the public weigher shall have the right to recover in any court having jurisdiction satisfaction on said bonds for any damage sustained by reason of said deputy or deputies for any failure to properly perform the duties of the office.

Sec. 9. Duties and responsibilities.—All public weighers appointed under the provisions of this chapter shall keep accurate and well adjusted scales and balances and give accurate weights, and shall keep the same tested and certified to as provided by law. Each public weigher shall be held responsible for the official acts of the deputies, and shall be liable to suits for all damages that may be accrued to any person or persons by reason of the failure to perform the official duties, or the violation of any of the provisions of this chapter; and the bonds shall not be void upon the first recovery, but may be sued on from time to time, in the name of the person or persons injured until the whole thereof is recovered.

Sec. 10. Unlawful to employ other public weighers, when.—It shall not be lawful for any factor, commission merchant, or other person or persons, to employ any other public weigher or his deputies, to weigh any hay, grain, wool or any other product sold or offered for sale in any city or justice precinct having a public weigher duly qualified; and any person or persons violating the provisions of this section shall be liable to the suit of the public weigher of such city or justice precinct, to damages in any sum not less than five dollars for each ton of hay, grain, coal, sack of wool, bale of cotton, so unlawfully weighed to be recovered in any court having jurisdiction thereof.

Sec. 11. Any person may weigh own products; may weigh for others, when.—Nothing in this chapter shall prevent any person, firm, or corporation from weighing his own produce in person, provided, that in places where there are no public weighers appointed any person who shall weigh cotton, wool, grain, hay and other products for compensation shall be required before weighing such product to enter into a bond with at least two good and sufficient sureties in the sum of two thousand dollars, approved and payable as in the case of the public weigher referred to in this section, and conditioned that he will faithfully perform the duties of his office and turn over all property weighed by him on demand of the owner: *Provided*, That this section shall not apply to merchant flouring mills.

Sec. 12. Penalty.—Any weigher who qualifies under the preceding section and shall violate any of the provisions or fail to comply with any of such provisions, shall be liable at the suit of any person injured upon his bond for damages that may have accrued to such person by such violation or failure.

Sec. 13. Fees.—Public weighers shall receive the following fees:

For each bale of cotton, not exceeding	$0.10
For each load of wool, not exceeding	.10
For each load or part of load of hay or grain	.10
For each bale of hides	.10
For each loose hide	.02
For each load or part of load of coal	.10
For each barrel	.05
For each load or part of load of broom corn	.10
For each load or part of load of livestock	.10

And he shall not be obliged to deliver any such article so weighed until the same therefore shall have been paid.

Laws, 1923, ch. 45, p. 66.

Sec. 4. Weight to be marked on bale of cotton.—Each and every ginner shall well and truly mark each bale with the initials of the owner and weight and number of the bale; * * *

Laws, 1921, ch. 16, p. 20.

Sec. 1. Public weighmasters in cities, towns and villages.—That the office of the public weighmaster be, and the same is hereby, established in such cities, town and villages of the State of New Mexico, as shall by ordinance avail themselves of the provisions of this act.

Sec. 2. How appointed.—That such public weighmaster shall be nominated by the mayor and confirmed by the city council or board of trustees of the several municipalities of said State, which avail themselves of the provisions of this act, as provided in section 1 hereof, as other appointive officers are nominated and confirmed in the municipal corporations of said State.

Sec. 3. Powers and duties.—That the powers and duties of such municipal public weighmaster shall be the same as those now provided by law in Chapter CXVI of the New Mexico Statutes, codification of 1915 for public weighmasters, and he shall receive the same fees as are therein provided for public weighmasters.

Sec. 4. Office, where kept.—That the municipal public weighmaster shall keep his office at such place in the municipality as may be provided by the city council or board of trustees of such municipality.

Sec. 5. Procuring of standards.—That the city council or board of trustees of such municipality shall procure from the secretary of state such duplicates of standard weights as may be necessary for the use of such public weighmaster in such municipality, which duplicate weights shall be paid for by the municipality and delivered to the municipal public weighmaster.

Sec. 6. Jurisdictions of municipal public weighmasters.—That the municipal public weighmaster shall have exclusive jurisdiction in the matter of testing weights and measures within such municipality, to the exclusion of the public weighmaster, provided for in said Chapter CXVI.

Sec. 7. Appointment of deputies.—That said municipal public weighmaster may appoint such deputies as may be needed, by and with the consent of the city council or board of trustees of such municipality, which has availed itself of the provisions of this act as provided in section 1 hereof.

Stats., 1915, ch. 75, p. 1028.

Sec. 3531 (1884). Population.—Every municipal corporation having a population of three thousand and upwards shall be a city, and every municipal corporation having a population of fifteen hundred shall be deemed an incorporated town.

Sec. 3564 (a1897). City councils and boards of trustees, powers; sale of bread; inspection of merchandise; weights and measures; weights and measures, use by venders; licensing certain business.—The city council and board of trustees in towns shall have the following powers: * * *

Twenty-second. To regulate the sale of bread in the city or town, prescribe the weight and quality of the bread in the loaf. * * *

Twenty-fourth. To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay and any article of merchandise.

Twenty-fifth. To provide for the inspection and sealing of weights and measures.

Twenty-sixth. To enforce the keeping and use of proper weights and measures by venders.

Sixty-first. To tax, license and regulate * * * public scales. * * *

Stats., 1915, ch. 114, p. 1601.

Sec. 5700 (1907). Water measurement; standards for flow, volume, and miner's unit.—The standard of measurement of the flow of water shall be the cubic foot per second of time; the standard of measurement of the volume of water shall be the acre-foot, being the amount of water upon an acre covered one foot deep, equivalent to forty-three thousand five hundred and sixty cubic feet. The miner's inch shall be regarded as one-fiftieth of a cubic foot per second in all cases, except when some other equivalent of the cubic foot per second has been specifically stated by contract, or has been established by actual measurement or use.

Stats., 1915, ch. 26, p. 491.

Sec. 1564 (1889). Keeping false ore scales, etc.—Any person, association or corporation, or the agent of any person, association or corporation engaged in the business of milling, sampling, concentrating, reducing shipping or purchasing ores, as aforesaid, who shall keep or use any false or fraudulent scales or weights for weighing ore, or who shall keep or use any false or fraudulent assay scales or weights for ascertaining the assay value of ore, knowing them to be false, every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding one thousand dollars, nor less than one hundred dollars, or imprisonment not more than one year, or both, at the discretion of the court.

Stats., 1915, ch. 73, p. 1001.

Sec. 3498 (1889). Owners of coal mines to provide scales.—That the owner or agent of each coal mine within this State, at which the miners are paid by weight, shall provide at or near such mine suitable scales of standard make for the weighing of all coal mined.

Sec. 3499. Weighmaster to be sworn as to duties.—The owner or agent of such mine shall require the person authorized to weigh the coal delivered from said mine to be sworn, before some person having authority to administer an oath, to keep the scales correctly balanced; to accurately weigh and to record a correct account of the amount weighed of each miner's car of coal delivered from such mine, and such oath shall be kept conspicuously posted at the place of weighing. The record of the coal mined by each miner shall be kept separate and shall be open to his inspection at all reasonable hours, and also for the inspection of all other persons pecuniarily interested in such mine.

Sec. 3500. Miners may have competent check weighman.—In all coal mines in this State the miners employed and working therein may furnish a competent check-weighman, who shall at all proper times have full right of access and examination of such scales, machinery or apparatus, and seeing all measures and weights of coal mined and accounts kept of the same: *Provided*, That no more than one person on behalf of the miners collectively shall have such right of access, examination and inspection of scales, measures and accounts at the same time and that such person shall make no unnecessary interference with the use of such scales, machinery or apparatus. The agent of the miners as aforesaid shall, before entering upon his duties make and subscribe to an oath before some officer duly authorized to administer oaths, that he is duly qualified and will faithfully discharge the duties of check-weighman. Such oaths shall be kept conspicuously posted at the place of weighing.

Sec. 3501. Using of fraudulent scales or conniving at false weights a misdemeanor; penalty.—Any person, company or firm having or using any scale or scales for the purpose of weighing the output of coal at mines so arranged or constructed that fraudulent weighing may be done thereby, or who shall knowingly resort to or employ any means whatsoever by reason of which such coal is not correctly weighed or reported in accordance with the provisions of the three preceding sections, or any weighman or check-weighman who shall fraudulently weigh or record the weights of such coal, or receive at or connive at, or consent to such fraudulent weighing, shall be deemed guilty of a misdemeanor, and shall upon conviction for each such offense be punished by a fine of not less than two hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail for a period not to exceed sixty days, or by both such fine and imprisonment, proceedings to be instituted in any court of competent jurisdiction.

Sec. 3502. Failure to comply with provisions of this act; penalty.—Any person, owner or agent operating a coal mine in this State who shall fail to comply with the provisions of sections 3498 to 3501, inclusive, or who shall obstruct or hinder the carrying out of their requirements shall be fined for the first offense not less than fifty dollars, nor more than two hundred dollars; for the second offense not less than two hundred dollars, nor more than five hundred dollars, and for the third offense not less than five hundred dollars: *Provided*, That the provisions of said sections shall apply only to coal mines whose products are shipped by rail and shall not apply to mines where suitable scales of standard make furnished by any railroad or transportation company or through which the coal is shipped are used for such weighing.

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Laws, 1922, ch. 48, Art. 16, p. 159.

Sec. 176. Standard weights and measures.—The standard weights and measures that were furnished to this State by the Government of the United States, in accordance with a joint resolution of Congress, approved June fourteenth, eighteen hundred and thirty-six, and consisting of one standard yard measure and one set of standard weights, comprising one troy pound, and nine avoirdupois weights of one, two, three, four, five, ten, twenty, twenty-five and fifty pounds respectively; one set of standard troy ounce weights, divided decimally from ten ounces to the one ten-thousandth of an ounce; one set of standard liquid capacity measures, consisting of one wine gallon of two hundred and thirty-one cubic inches, one-half gallon, one quart, one pint and one-half pint measure; and one standard half bushel, containing one thousand and seventy-five cubic inches and twenty [twenty-one] one-hundredths of a cubic inch, according to the inch hereby adopted as standard, and such new weights, measures, balances and other apparatus as may be received from the United States as standard weights, measures, balances and apparatus in addition thereto or in renewal thereof as well as such weights, measures, balances and apparatus as may be added by the State department of weights and measures and verified by the National Bureau of Standards shall be the standards of weights and measure throughout this State.

Sec. 177. The unit of length and surface.—The units or standard measures of length and surface, from which all other measures of extension, whether lineal, superficial or solid, shall be derived and ascertained, are the standards of length designated in this article. For measures of cloths and other commodities commonly sold by the yard, the yard may be divided into halves, quarters, eighths, and sixteenths. The rod, pole or perch, contains five and one-half yards; the mile, one thousand seven hundred and sixty yards. The chain for measuring land is twenty-two yards long and is divided into one hundred equal parts called links. The acre for land measure, shall be measured horizontally and contain ten square chains, equivalent in area to a rectangle sixteen rods in length and ten in breath [breadth]; six hundred and forty acres being contained in a square mile.

Sec. 178. Units of weights.—The units or standards of weight from which all other weights shall be derived and ascertained, shall be the standard weights designated in this article. The hundredweight consists of one hundred avoirdupois pounds and twenty hundred weight are a ton. In all transactions relating to the sale or delivery of coal two thousand avoirdupois pounds in weight shall constitute a legal ton.

Sec. 179. Units of capacity.—The units of standards of measure of capacity for liquids from which all other measures shall be derived and ascertained shall be the standards designated in this article. The barrel is equal to thirty-one and one-half gallons and two barrels are a hogshead. The parts of the liquid gallon shall be derived from the gallon by continual division by the number two, so as to make half gallons, quarts, pints, half pints and gills. The peck, half peck, quarter peck, quart, pint and half pint measures for measuring commodities which are not liquids shall be derived from the half bushel by successively dividing that measure by two.

Sec. 180, as amended by Laws, 1925, ch. 60, p. 78. Duties of commissioner in relation to weights and measures.—The commissioner shall take charge of the standards adopted by this article as the standards of the State; cause them to be kept in the principal office of the department in the city of Albany, from which they shall not be removed, except for repairs or for certification, and take all other necessary precautions for their safe keeping. He shall maintain the State standards in good order and shall submit them once in ten years to the National Bureau of Standards for certification. He shall correct the standards of the several cities and counties and, as often as once in five years, compare the same with those in his possession, and shall keep a record of the same, and where not otherwise provided by law he shall have a general supervision of the weights, measures and measuring and weighing devices sold or offered for sale in the State or in use in the State. He shall upon the written request of any citizen, firm, corporation or educational institution of the State, test or calibrate weights, measures, weighing or measuring devices and instruments or apparatus used as standards in the State. He shall from time to time cause to be tested all weights and measures, and weighing and measuring devices used in checking the receipt or disbursement of supplies in every State institution and report in writing to the executive officer of the institution concerned; and at the request of said officers the commissioner shall appoint in writing one or more employees, then in actual service, of each institution, who shall act as special deputies for the purpose of checking the receipt or disbursement of supplies. He shall keep a complete record of the standards, balances and other apparatus belonging to the State and take receipt for the same from his successor in office. The commissioner shall inspect all standards used by the counties or cities at least once in two years and shall keep a record of the same. He shall as often as he shall deem necessary visit the various cities and counties of the State in order to inspect the work of the local sealers and in the performance of his duties he may inspect the weights, measures, balances or any other weighing or measuring appliances of any person, firm or corporation. He shall establish amounts of tolerance, or reasonable variations allowable for weights, measures and weighing and measuring devices, and shall issue instructions to the county and city sealers, and these shall be binding upon and govern said sealers in the discharge of their duties.

Sec. 181. Copies of standard weights and measures.—The State shall have a complete set of copies of the original standards of weights and measures adopted by this article, which shall be used for adjust-

ing county standards, and the original standards shall not be used except for the adjustment of this set of copies and for scientific purposes.

The commissioner shall see that the foregoing provisions of this section are complied with and procure such apparatus and fixtures, if the same have not already been procured, as are necessary in the comparison and adjustment of the county standards.

He shall cause all the city and county standards to be impressed with the emblem of the United States, the letters "N. Y.," and such other devices as he shall direct for the particular county.

Sec. 182. County sealer; duty of supervisors.—There shall be a county sealer of weights and measures in each county, except where such county is wholly embraced within a city, who shall be appointed by the board of supervisors and hold office during the pleasure of such board. He shall be paid a salary determined by the board of supervisors and shall be provided by them with the necessary working equipment of standard weights and measures. He shall take charge of and safely keep the county standards, and at least once in every five years shall submit such standards to the commissioner, at the place where the standards of the State are kept, for calibration and certification. Where not otherwise provided by law, the county sealer shall have the power within his county to inspect, test, try and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments or mechanical devices for measurement and the tools, appliances or accessories connected with any or all such instruments or measurements used or employed within the county by any proprietor, agent, lessee or employee in determining the size, quantity, extent, area or measurement of quantities, things, produce, article for distribution or consumption offered or submitted by such person or persons for sale, for hire or award. He shall at least twice in each year and as much oftener as he may deem necessary see that the weights, measures and all apparatus used in the county are correct. He may for the purposes above mentioned, and in the general performance of his official duties, enter or go into or upon and without formal warrant, any stand, place, building or premises or may stop any vendor, peddler, junk dealer, coal wagon, ice wagon or any dealer whatsoever, for the purposes of making the proper tests. Whenever the county sealer finds a violation of the statutes relating to weights and measures he shall cause the violator to be prosecuted. The county sealer shall keep a complete record of the work done by him and shall make an annual report to his board of supervisors, and an annual report, duly sworn to, not later than the first of December to the commissioner. The county sealer of weights and measures shall forthwith on his appointment give a bond, with sureties to be approved by the appointing power, for the faithful performance of the duties of his office and for the safety of the local standards and such appliances for verification as are committed to his charge and for the surrender thereof immediately to his successor in office or to the person appointed by the proper authority to receive them.

Sec. 183. City sealer.—There shall be a city sealer of weights and measures, or an officer having similar duties, to be appointed by the mayor with the approval of the common council of each city, or in such other way as the city charter shall designate. He shall be paid

a salary to be fixed and determined by the board or body authorized to determine salaries of city officials, and no fees shall be charged or received by him or by the city for the inspection or testing of weights, measures or weighing or measuring devices. He shall perform in his city the duties of and have like powers as a county sealer in a county.

Sec. 184. Sealing of approved weights and measures.—Whenever a city or county sealer inspects any weight or measure and finds that it corresponds or causes it to correspond with the standards in his possession he shall seal or mark the same with an appropriate device.

No person shall remove any such seal or mark from any such weight or measure or obliterate or deface any such seal or mark.

Sec. 185. Sealing of false weights and measures.—Whenever any city or county sealer inspects any weight or measure and finds that it does not correspond and does not cause it to correspond with the standards in his possession he shall seal or mark the same.

No person shall use or attempt to use any weight or measure to which there has been affixed or upon which there has been placed any such last mentioned seal, mark or device, for the purpose of determining the weight or quantity of any commodity or article of merchandise, unless such seal, mark or device shall have been removed therefrom by a city or county sealer.

No person shall remove from any such weight or measure any seal or mark which has been affixed thereto, or placed thereon by a city or county sealer or obliterate or deface the same.

Sec. 186. Condemnation and seizure of false weights and measures.—A city or county sealer may condemn and seize any weight or measure found by him to fail to conform to the standards in his possession and which is not caused by him to conform to such standards and cause the same to be destroyed or disposed of under such regulations as the commissioner of farms and markets may prescribe.

Sec. 187. Keeping false weights and measures.—No person shall retain in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it or permit it to be used for determining the quantity of any commodity or article of merchandise.

Sec. 188 as amended by Laws, 1922, ch. 360, p. 765. Using false weights and measures; delivery of deficient quantities.—No person, with knowledge that the same is false, shall use a false weight, measure, or other apparatus, for determining the quantity of any commodity or article of merchandise, or knowingly deliver less of any such commodity or article of merchandise than the quantity he represents.

The possession or use by any person of any false weight, measure, or other apparatus, for determining the quantity of any commodity or article of merchandise is presumptive evidence of knowledge by such person of the falsity of such weight, measure, or other apparatus. The delivery by any person of a lesser quantity of any commodity or article of merchandise than the quantity he represents is presumptive evidence of knowledge by such person that the quantity delivered was less than the quantity he represented.

Sec. 189. False labels.—No person shall, with intent to defraud, put upon an article of merchandise or upon a cask, bottle, stopper, vessel, case, cover, wrapper, package, band, ticket, label or other thing, containing or covering such an article, or with which such an article is

intended to be sold, or is sold, any false description or false indication of or respecting the number, quantity, weight or measure of such article or any part thereof; or sell or offer or expose for sale an article which to his knowledge is falsely described or indicated in any of the manners or in any of the particulars above specified.

Sec. 190. Number of pounds to the bushel.—Whenever any commodity specified in this section is sold by the bushel, and no special agreement is made by the parties as to the mode of measuring, the bushel shall consist of seventy pounds of lime or coarse salt; sixty pounds of wheat, peas, potatoes, clover-seed or beans; fifty-seven pounds of onions; fifty-six pounds of Indian corn, rye or fine salt; fifty-five pounds of flax-seed; fifty-four pounds of sweet potatoes; fifty pounds of corn meal, rye meal or carrots; forty-eight pounds of barley or buckwheat; forty-five pounds of herds-grass, timothy seed or rough rice; forty-four pounds of Sea island cotton seed; thirty-three pounds of dried peaches; thirty-two pounds of oats; thirty pounds of upland cotton seed; twenty-five pounds of dried apples; twenty pounds of bran or shorts. For a fractional part of the bushel a like fractional part of the above weights shall be required.

Sec. 191. Bottles or jars for milk and cream; capacity of milk containers; variations; marking; designating number; compliance as to size and marking of bottles.—Bottles used for the sale of milk and cream shall be of the capacity of half gallon, three pints, one quart, one pint, half pint and one gill, filled full to the bottom of the cap ring or stopper. The following variations on individual bottles or jars may be allowed: Six drams above and six drams below on the half gallon; five drams above and five drams below on the three pint; four drams above and four drams below on the quart; three drams above and three drams below on the pint; two drams above and two drams below on the half pint, and two drams above and two drams below on the gill. Bottles or jars used for the sale of milk shall have clearly blown, or otherwise permanently marked, in the sides or bottom of the bottle the name, initials or trade-mark of the manufacturer and a designating number, which designating number shall be different for each manufacturer and may be used in identifying the bottles. The designating number shall be furnished by the commissioner upon application by the manufacturer, and a record of the designating numbers and to whom furnished shall be kept in the office of the commissioner. No manufacturer shall sell milk or cream bottles to be used in this State that do not comply as to size and marking with the provisions of the last section. No dealer shall knowingly use, for the purpose of selling milk or cream, jars or bottles that do not comply with the provisions of the last section.

Sec. 192. Definition of term "container."—"A container," as used in the following sections of this article, shall include any carton, box, crate, barrel, half-barrel, hamper, keg, drum, jug, jar, crock, bottle, bag, basket, pail, can, wrapper, parcel or package.

Sec. 193. Method of sale of certain commodities; meat and butter; other commodities.—All meat, meat products and butter shall be sold or offered for sale by net weight; all other commodities not in containers shall be sold or offered for sale by standard net weight, standard

measure or numerical count; and such net weight, measure or count shall be marked thereon, or on a label or tag attached thereto; provided however, that vegetables may be sold by the head or bunch.

Sec. 193a, as enacted by Laws, 1924, ch. 622, p. 1154. Method of sale of bread.—Except as hereinafter otherwise provided, bread shall not be manufactured for sale, sold or offered or exposed for sale otherwise than by weight, and shall be manufactured for sale, sold, or offered or exposed for sale only in units of one pound, one and one-half pounds, or multiples of one pound. When multiple loaves are baked, each unit loaf shall conform to the weight required by this section. The weights herein specified shall mean net weights not more than twelve hours after baking, or not more than twelve hours after sale and delivery by the manufacturer for resale. Such weights shall be determined by the average weight of not less than six loaves: *Provided*, That such average weights shall be determined by the weight of at least twelve loaves, whenever such number of loaves is available at the time and place of such weighing: *And provided further*, That bread found upon any premises occupied for the manufacture of bread for sale, or any bread found in the wagons, trucks, baskets, boxes or other delivery vehicle or receptacles owned or controlled by the manufacturer of such bread, and being transported or delivered for sale, shall for the purposes of this section be deemed to have been baked within twelve hours unless such bread is marked, designated or segregated as stale bread. Such unit weights shall not apply to rolls; nor to stale bread when sold as such; nor to restaurant or sandwich bread sold for consumption and use on the premises and not for resale; nor to fancy bread such as fruit breads, nut breads, seed-covered breads, sugar-coated breads and gluten breads, and such other breads as shall be defined as fancy bread; nor to bread sold by the piece cut from the loaf, provided such bread be weighed in the presence of the buyer upon tested scales kept for that purpose; nor to loaves bearing in plain and conspicuous position a plain statement of the net weight of the loaf and the name of the manufacturer thereof upon the wrapper of each loaf, if the bread is wrapped, or, if unwrapped, upon a label, which label or that portion representing the weight shall be not larger than one by one and three-quarter inches and not smaller than one by one and one-half inches in size affixed to the loaf in a sanitary manner, provided, however, that in the case of loaves sold at retail, or offered or exposed for retail sale, direct from manufacturer to consumer upon or in the premises of the manufacturer, the information as to the weight of such loaves may be given upon a notice printed in English and, if different language is spoken, also the language or languages of the neighborhood, conspicuously posted in plain view of the buyer and in close proximity to the bread offered for sale in such premises, setting forth the weight of each size and variety of such loaves. When an inspection of bread is made at any bakery by or under the direction of the commissioner of farms and markets or by or under the direction of any city or county sealer, the manufacturer of such bread or his servants or agents shall, upon the request of the official making such inspection, inform him whether such bread is manufactured for sale in any of the standard unit weights prescribed by this section and, if

not so manufactured for sale in such standard units, shall furnish such official with samples of the labels or wrappers intended to be used on all such loaves of other than standard unit weights, or the notices intended to be posted with respect to such loaves. The commissioner of farms and markets shall make such uniform rules and regulations as are necessary to enforce this section, including reasonable tolerances or variations within which all weights shall be kept; provided, however, that the variation between the standard or represented weight and the true or actual weight shall not exceed one ounce per pound. The requirements of section one hundred and ninety-four of this chapter shall not apply to the sale of bread.

Sec. 194, as amended by Laws, 1922, ch. 360, p. 765. Net contents of containers to be indicated on the outside thereof.—When commodities are sold or offered for sale in containers whose sizes are not otherwise provided by statute, the net quantity of the contents of each container, shall be plainly and conspicuously marked, branded or otherwise indicated on the outside or top thereof or on a label or a tag attached thereto in terms of weight, measure or numerical count: *Provided, however*, That reasonable variations shall be permitted.

Sec. 195, as amended by Laws, 1924, ch. 622, p. 1154. Exceptions.—The provisions of sections one hundred and ninety-three and one hundred and ninety-four shall not apply to containers or commodities in containers with ornamentations or decorations exclusively for gifts or social favors or to commodities dispensed for consumption on the premises, or to commodities or containers put in receptacles used merely for the purpose of carrying or delivering of commodities or containers complying with the provisions of such sections, or when the numerical count of the individual units is six or less, or in the case of liquids when the contents is two fluid ounces or less, or when the weight of the contents is three avoirdupois ounces or less, or to barrels, half barrels, quarter barrels, casks, kegs and packages used for the purpose of containing maltous beverages.

Sec. 196. Guaranty furnished by wholesaler, jobber or manufacturer.—No person shall be prosecuted under the provisions of the last three sections when he can show a guaranty signed by a wholesaler, jobber or manufacturer, residing in the State of New York from whom he purchased the commodity in containers to the effect that they were not incorrectly marked within the meaning of such sections. The person making the sale and guaranty shall then be amenable to the prosecution, fines, and other penalties which would in due course attach to the dealer under the provisions of such sections. The name appearing on the container and the marking as provided by next to the last preceding section shall be deemed to constitute a guaranty.

Sec. 197. Construction of contracts.—All contracts made within the State for work to be done, or for the sale or delivery of personal property by weight or measure, shall be taken and construed according to the standards of weights and measures adopted in this article.

Laws, 1922, ch. 48, Art. 18, p. 172.

Sec. 215. Standard weight of hop bales and tare thereon.—A bale of hops sold in this State shall not weigh less than one hundred and seventy-five nor more than two hundred and ten pounds. The tare

to be deducted is five pounds. The standard weight of sacking for baling is not less than twenty-four nor more than thirty ounces for each yard; five yards thereof is the maximum quantity to be used for each bale, and any excess in the weight of such sacking or other extraneous matter used in baling may be deducted as additional tare.

Sec. 216. Bales of hops to be marked.—Every person putting up hops for sale or exportation shall mark or stamp on each bale or other package containing the same, in a legible manner, the initial letter of his Christian name, and his surname at full length, and the gross weight of such bale or package, before its removal from the place where the hops are put up.

Sec. 218. Presser of hay and straw defined; correct scales to be used; bales to be marked.—The term " presser " as used in this and the following sections of this article shall mean the person, firm, association or corporation owning or having possession and operating the hay press. A presser who presses hay or straw for market shall use correct scales, properly sealed. Every presser of hay or straw for market shall mark each bale of any of such commodities pressed by him with his name and business address and the correct weight of the bale. These markings shall be made upon a tag, of not less than one and one-half inches in width and three inches in length, securely fastened to the bale.

Sec. 219. Weight to be marked on bale.—The gross weight shall be plainly marked on each bale of hay or straw sold or offered for sale in this State; and no baled hay or straw shall be so sold or offered for sale which weighs less than such gross weight after deducting five pounds from such bale for shrinkage. And no baled hay or straw shall be sold or offered for sale with more than twenty pounds of wood to the bale, the weight of which is two hundred pounds or upward, or more than ten pounds of wood for bales weighing less than two hundred pounds.

Sec. 222. Coal, coke and charcoal to be sold by weight.—Coal, coke and charcoal shall be sold by weight except as hereinafter provided. A person, firm or corporation shall not sell or deliver or attempt to sell or deliver less than two thousand pounds by weight to the ton of coal, coke or charcoal, or a proper proportion thereof in quantities less than a ton, and such coal, coke or charcoal shall be duly weighed on scales that have been tested and sealed by the official charged with such testing: *Provided, however*, That in all cases thirty pounds to the ton shall be allowed for the variation in scales and wastage.

Sec. 223. Delivery tickets to accompany coal, coke and charcoal.—No person, firm or corporation delivering coal, coke or charcoal shall deliver or cause to be delivered any quantity or quantities of coal, coke or charcoal, without each such delivery being accompanied by a delivery ticket, and a duplicate thereof, on each of which shall be in ink, or other indelible substance, distinctly expressed in pounds the quantity or quantities of coal, coke or charcoal contained in the cart or wagon or other vehicle used in such delivery, with the name of the purchaser thereof and the name of the dealer from whom purchased. One of such tickets shall be delivered to the purchaser specified thereon, and the other of such tickets shall be retained by the seller. When coal, coke or charcoal is sold in quantities of less than one hundred pounds, in baskets, bags or pails, the provisions of this section shall not apply.

Sec. 224. Proviso as to delivery of entire cargo or carload of coal.—The preceding section shall not apply to coal delivered by the entire cargo direct from the vessel containing the same to one destination and accepted by the purchaser on the original bill of lading as proof of weight, or from a full car loaded with coal; but with every such delivery of an entire cargo or carload of coal there shall be delivered to the purchaser thereof by the consignor, one of the original bills of lading or shipping notices issued to or by the person, firm or corporation by whom the coal was loaded into the vessel or car from which such coal is delivered to the purchaser of the entire cargo or carload thereof, on each of which bills of lading there shall be in ink or other indelible substance distinctly expressed the date and place of loading such cargo or car and the number of pounds contained therein.

Sec. 225, as amended by Laws, 1923, ch. 727, p. 1292. Sizes and markings of bags and baskets of coal, coke and charcoal.—Baskets or bags used for the delivery of coal, coke or charcoal, shall be of such capacity as to hold stricken full approximately one hundred pounds of anthracite coal; but baskets or bags of other sizes used for delivery may be used if the amount of anthracite coal they will contain stricken full is indelibly marked on the outside thereof in solid roman capital letters at least three inches in height. When the coal, coke or charcoal is sold in quantities less than one hundred pounds in baskets or bags or pails, such baskets, bags or pails shall have the weight of the contents plainly marked on the outside thereof in solid roman capital letters at least one inch in height; but charcoal or coke in quantities less than one hundred pounds may be sold by standard struck measure, and in such cases the bag, basket or pail shall have plainly marked on the outside thereof the capacity in terms of standard dry measure in solid roman capital letters at least one inch in height, and in no instance shall a paper bag or sack used or intended to be used in the sale of coke, charcoal or kindling wood by measure be less than twenty-two inches in height, not less than eleven inches in width and the bottom shall be not less than four inches wide.

Sec. 226. How coal, coke or charcoal may be reweighed.—A weights and measures official of the State, of the city or of the county who finds any quantity of coke, coal or charcoal ready for delivery, may in his discretion direct the person in charge of the goods to convey the same without delay to scales designated by such official, who shall there determine the quantity of the goods and shall determine their weight with the weight of the vehicle in which they are carried and shall direct said person to return to such scales forthwith upon unloading the goods, and upon such return the official shall reweigh the vehicle in a manner similar to that in which it was weighed with the goods. The scale designated by the official as aforesaid may be any scale which has been duly tested and sealed and shall be such scales as are in his judgment the most convenient of those available.

Sec. 227. Seller shall not refuse to allow coal, coke or charcoal to be reweighed.—No seller of coal, coke or charcoal shall refuse to permit a weights and measures official to weigh the coal, coke or charcoal purchased from him to be reweighed at the request of the purchaser or at the request of the weights and measures official. No driver or any other person in charge of the vehicle containing coal, coke or charcoal or from which coal, coke or charcoal has been delivered shall refuse to take the same at the request of the purchaser or of

the weights and measures official to scales as aforesaid for the purpose of having the same weighed, but when there is a charge for weighing such charge shall be paid by the one making the request.

Sec. 228. Application of article.—The provisions of this article relating to coal, coke and charcoal shall not apply to the city of New York.

Sec. 229, as amended by Laws, 1923, ch. 723, p. 1289. Marking thread.—No person, firm or corporation shall sell or offer for sale, sewing, basting, darning, crochet, tatting, knitting or embroidery thread made of cotton, linen or silk, put up on spools, tubes, cones, bobbins or in balls, skeins or other similar packages, manufactured after January first, nineteen hundred and twenty, unless there is affixed to or impressed upon a conspicuous part of each such spool, tube, cone, bobbin, ball, skein or other similar package of such thread, a label or stamp which shall be plain and conspicuous, and which shall plainly indicate, either its net weight in avoirdupois pounds and ounces, or its length in yards: *Provided*, That when any such spool, tube, cone, bobbin, ball, skein or other similar package of such thread containing a net weight of less than two avoirdupois ounces, is sold or offered for sale, then such label or stamp shall indicate its length in yards: *Provided further*, That where from the shape, size or character of the spool, tube, cone, bobbin, ball, skein or other similar package it is impossible so to affix or impress such label or stamp, a label or stamp shall be affixed to the box or other container in which such packages are put up, stating the number of units contained therein and the net weight or yardage of each, as hereinbefore prescribed. If any such person, firm or corporation shall sell or offer for sale such thread on any such spool, tube, cone, bobbin, or in any such ball, skein or other similar package or box, without a label or stamp specifying the net weight or number of yards of thread contained thereon, as provided in the first paragraph of this section, or if any such person, firm or corporation shall knowingly sell or offer for sale such thread on any such spool, tube, cone, bobbin, or in any such ball, skein or other similar package or box, weighing or measuring more than five per centum less than the net weight or number or yards that the label or stamp thereon specifies, then such person, firm or corporation shall forfeit the sum of twenty dollars for each such spool, tube, cone, bobbin, ball, skein or other similar package so sold or offered for sale; said sum of twenty dollars for each violation of this section to be recovered in an action by any person or firm who will sue for same, one-half whereof shall be paid to the State treasurer.

Con. Laws, Vol. 5, ch. 55, Art. 14, p. 3645, Second Class Cities Law.

Sec. 211 (1909. Sealer of weghts and measures.—The sealer of weights and measures shall, within the city, have the powers and perform the duties of sealers of weights and measures of towns[1] under the general laws of the State. He shall supervise the weighing of coal and perform such other duties as may be prescribed by law or ordinance of the common council. He shall receive a salary, to be fixed by the board of estimate and apportionment, and no fees shall be charged or collected by him or by the city for his services.

[1] There are now no town sealers. See Laws, 1922, ch. 48, sec. 183, supra.

Code Civil Procedure.

Sec. 841a, as added by Laws, 1909, ch. 65, p. 21. Testimony of surveyor and proof of standard of measurement.—No surveyor shall give evidence in any cause depending in any of the courts of this State, or before arbitrators, respecting the survey or measurement of lands which he may have made, unless if required, either such surveyor shall make oath, or it shall otherwise be shown that the chain or measure used by him was comformable to the standards of the State which were the standards of State at the time such survey was made. An official certificate of any State, county, city, village or town sealer elected or appointed pursuant to the laws of this State, or the oath of such surveyor, that such chain or measure conformed to the State standard which shall have been furnished any such sealer pursuant to the provisions of the laws of this State, shall be prima facie evidence of such conformity, and an official certificate made by any such sealer that the implement used in measuring such chain or other measure was the one provided under such laws for such purposes, shall be prima facie evidence of that fact.

Con. Laws, Vol. 4, ch. 40, p. 2531, Penal Law.

Sec. 434 (1909). Concealing foreign matter in merchandise.—A person who, with intent to defraud, while putting up in a barrel, bag, bale, box, or other package, cotton, hops, hay, or any other article of merchandise whatever, usually sold by weight in such packages, places or conceals therein any other substance or thing whatever, in a case where special provision for the punishment thereof is not otherwise made by statute, is guilty of a misdemeanor.

Sec. 461. Weighmaster making false entry of weight of canal boat.—A weighmaster upon any of the canals belonging to this State, and a clerk of such weighmaster, who makes a false entry of the weight of any boat, or cargo of any boat, navigating such canal, or who makes a false certificate of the light weight of any boat, knowing such entry or certificate to be false, is guilty of a misdemeanor.

Con. Laws, Vol. 4, ch. 40, Art. 216, p. 2818.

Sec. 2410 (1909). Requiring more than the legal weight for a bushel.—Where potatoes, grains or other agricultural products are sold by the bushel, without agreement as to the weight, any person requiring a greater number of pounds for a bushel than as prescribed by section eight of the general business law is guilty of a misdemeanor.

Sec. 2413. False weights and measures authorized to be seized.—A person who is authorized or enjoined by law to arrest another person for a violation of the last two sections [sections 187 and 188, chapter 48, Laws, 1922] is equally authorized and enjoined to seize any false weights or measures found in the possession of the person so arrested, and to deliver the same to the magistrate before whom the person so arrested is required to be taken.

Sec. 2414. Weights and measures may be tested by committing magistrate and destroyed or delivered to district attorney.—The magistrate to whom any weight or measure is delivered pursuant to the last section, must, upon the examination of the defendant, or if the examination is delayed or prevented, without awaiting such examina-

tion, cause the same to be tested by comparison with standards conformable to law; and if he finds it to be false, he must cause it to be destroyed, or to be delivered to the district attorney of the county in which the defendant is liable to indictment or trial, as the interests of justice in his judgment require.

Sec. 2415. False weights and measures to be destroyed after conviction of offender.—Upon the conviction of the defendant, the district attorney must cause any weight or measure in respect whereof the defendant stands convicted, and which remains in the possession or under the control of the district attorney, to be destroyed.

Sec. 2416. Stamping false weight or tare on casks or packages.—A person who knowingly marks or stamps false or short weights or false tare on any cask or package, or knowingly sells or offers for sale any cask or package so marked, is guilty of a misdemeanor.

Con. Laws, Vol. 5, ch. 65, Art. 4, p. 4456.

Sec. 89. General powers of the board of trustees of villages; may establish scales.—The board of trustees of a village:

* * * * * * *

13. May establish and maintain a village clock and scales for the public convenience; and fix the fees for the use of such scales.

Con. Laws, Vol. 2, ch. 20, Art. 26, p. 1261.

Sec. 393, as enacted by Laws, 1923, ch. 599, p. 899. Lime; standard barrels.—There is hereby established a large and a small barrel of lime, the large barrel to consist of two hundred and eighty pounds and the small barrel to consist of one hundred and eighty pounds, net weight. It shall be unlawful for any person to sell or offer for sale lime, unless there shall be stencilled or otherwise clearly marked on one or both heads of the small barrel the figures "180 lbs. net" and on the large barrel the figures "280 lbs. net," and on either barrel in addition the name of the manufacturer of the lime and where manufactured. When lime is sold in containers of less capacity than the standard small barrel, it shall be sold in fractional parts of said standard small barrel, and the net weight of lime contained in such container shall by stencil or otherwise be clearly marked thereon, together with the name of the manufacturer thereof, and the name of the brand, if any, under which it is sold. It shall be unlawful to pack, sell, or offer for sale any barrels or other containers of lime which are not marked as provided in this act, or to sell, charge for, or purport to deliver as a large or small barrel or a fractional part of said small barrel of lime, any less weight of lime than is established by the provisions of this section. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Laws, 1922, ch. 48, Art. 17, p. 166.

Sec. 212, as amended by Laws, 1925, ch. 172, p. 223. Branding oyster kegs and cans.—Every person engaged in putting up oysters for sale in kegs or cans, or offering them for sale in kegs or cans, not previously marked or branded, shall mark or brand such kegs or cans with the true quantity of oysters in pints, quarts or gallons, which they may respectively hold, and not more than ten per centum of such quantity shall be liquid.

Con. Laws, ch. 69, Farms and Markets Law, Art. 10.

Sec. 143, as amended by Laws, 1922, ch. 386, p. 811. Fertilizer.—No manufacturer, firm, association, corporation or person shall sell, offer or expose for sale in this State any commercial fertilizer or any material to be used as fertilizer, except animal manure which have not been artificially treated or manipulated, unless such commercial fertilizer or material to be used as fertilizer shall be accompanied by or shall have affixed to each and every package in a conspicuous place on the outside thereof, a plainly printed statement which shall certify as follows:

1. The net weight of the contents of the package.
2. The name, brand or trade-mark under which it is to be sold.
3. The name and principal address of the manufacturer or person responsible for the placing of the commodity upon the market.

* * * * * * *

Sec. 144, as amended by Laws, 1923, ch. 722, p. 1288. Violations.—It shall be a violation of the provisions of this article if the statement required by the last preceding section shall be false in regard to the net weight of the contents of the package sold, offered or exposed for sale, or in the name, brand or trade-mark under which the fertilizer is sold, or in the name and address of the manufacturer or person responsible for placing the commodity upon the markets. * * *

Laws, 1922, ch. 48, Art. 8, p. 133.

Sec. 131. Statements to be attached to packages; contents.—No manufacturer, firm, association, corporation or person shall sell, offer or expose for sale or for distribution in this State, any concentrated commercial feeding stuffs used for feeding livestock unless such concentrated commercial feeding stuffs shall be accompanied by or shall have affixed to each and every package in a conspicuous place on the outside thereof and near the top, a tag, the form of which shall be prescribed by the commissioner and which shall bear a plainly printed statement which shall certify as follows:

1. The net weight of the contents of the package, except in the case of malt sprouts sold in packages containing uneven weights.
2. The name, brand or trade-mark.
3. The name and principal address of the manufacturer or person responsible for the placing of the commodity upon the market. * * *

NORTH CAROLINA

Con. Stats., 1919, Vol. 2, ch. 133, p. 1076.

Sec. 8060, as amended by Laws, 1921, extra session, ch. 87, p. 113. Standard weight; purchase and sale by measure; forfeit for taking greater weight.—The standard weight of the following seeds and other articles named shall be as stated in this section, viz:[1]

	Lbs. per bu.
Alfalfa	60
Apples, dried	24
Apple seed	40
Barley	48
Beans, castor	46
Beans, dry	60
Beans, green, in pod	30
Beans, soy	60
Beets	50
Blackberries	48
Blackberries, dried	28
Bran	20
Broom corn	44
Buckwheat	50
Cabbage	50
Canary seed	60
Carrots	50
Cement	80
Charcoal	22
Cherries, with stems	56
Cherries, without stems	64
Clover, burr	8
Clover, German	60
Clover, Japan, Lespedeza, in hull	25
Clover seed, red and white	60
Coal, stone	80
Coke	40
Corn in ear, shucked	68
Corn in ear, with shucks	70
Corn, Kaffir	50
Corn, pop	70
Corn, shelled	56
Cottonseed	30
Cottonseed, Sea Island	44
Cucumbers	48
Flaxseed	56
Gooseberries	48
Grapes, with stems	48
Grapes, without stems	60
Grass, redtop	14
Grass, velvet	7
Grass seed, all meadow and fescue except tall	14
Grass seed, Bermuda	14
Grass seed, blue	14
Grass seed, Hungarian	48
Grass seed, Italian rye	20
Grass seed, Johnson	25
Grass seed, orchard	14
Grass seed, perennial rye	14
Grass seed, tall meadow and tall fescue	24
Grass seed, timothy	45
Hair, plastering	8
Hemp seed	44
Hominy	62
Horseradish	50
Land plaster	100
Lime, unslaked	80
Lime, slaked	40
Meal, corn, whether bolted or unbolted	48
Melon, cantaloupe	50
Millet	50
Mustard	58
Nuts, chestnuts	50
Nuts, hickory, without hulls	50
Nuts, walnuts, without hulls	50
Oats, seed	32
Onions, button sets	32
Onions, top buttons	28
Onions, matured	57
Osage orange seed	33
Parsnips	50
Peaches, dried	25
Peaches, matured	50
Peach seed	50
Peanuts	22
Peanuts, Spanish	30
Pears, dried	26
Pears, matured	56
Peas, dry	60
Peas, green, in hull	30
Pieplant	50
Plums	64
Potatoes, Irish	56
Potatoes, sweet	56
Quinces, matured	48
Raspberries	48
Rice, rough	44
Rye seed	56
Sage	4
Salads, mustard, spinach, turnips, kale	10
Salt	50
Sorghum seed	50
Strawberries	48
Sunflower seed	24
Teosinte	59
Tomatoes	56
Turnips	50
Wheat	60

[1] A slight change has been made in the arrangement for convenience of reference.

	Lbs. per bbl.
Beef, net	200
Pork, net	200
	Lbs. per ½ bbl.
Fish	100

	Gals. per bbl.
Liquids	42
	Lbs. per gal.
Sorghum molasses	12

But this section shall not be construed to prevent the purchase and sale by measure.

If any person shall take any greater weight than is specified for any of the items named herein, he shall forfeit and pay the sum of twenty dollars for each separate case to any person who may sue for same.

Sec. 8061 (a1866). Standards.—No trader or other person shall buy or sell, or otherwise use in trading, any other weights and measures than are made and used according to the standard prescribed by the Congress of the United States: *Provided*, That this chapter shall not prevent the citizens of the State from buying and selling grain by measure as may be agreed upon between the parties.

Sec. 8062°. Acre; pole; perch; land measure.—The measure of an acre of land shall be equal to a rectangle of sixteen poles or perches in length and ten in breadth, and shall contain one hundred and sixty square perches or poles, or four thousand eight hundred and forty square yards; six hundred and forty such acres being contained in a square mile.

Sec. 8063 (a1881). To be provided by board of county commissioners; branded.—The board of commissioners of each county shall, at the charge of their county, procure standard sealed weights of half hundred, quarter hundred, ten pounds, five pounds, two pounds, and one pound, one-half pound, one-quarter pound, two ounces, one ounce, one-half ounce, gauging rod and waist sticks, yard sticks, half bushel, peck, half peck, quarter peck, and one-eighth peck, gallon, half gallon, quart, pint, half pint, and gill measure, of the United States standard, sealed and branded "N. C."

Sec. 8064 (a1893). Penalty for using, untested.—If any person, after demand by the standard-keeper for permission to examine and adjust the same, shall buy, sell or barter by any weight or measure which shall not be tried by the standard, and sealed or stamped as aforesaid, he shall, for every such offense, forfeit and pay forty dollars, and if any person shall sell and deliver by less measure than the standard, he shall forfeit and pay for each offense forty dollars to the person suing therefor.

Sec. 8065 (a1881). Standard keeper; appointment of; State keeper; appointed by governor; keeper of capitol, when.—The governor is authorized to appoint a suitable person to take care of the balances, weights and measures, and perform the duties relating to weights and measures heretofore imposed on the governor, and such other duties as the governor may prescribe, touching said balances and weights and measures; and he shall take from such person a bond with surety, to be approved by the governor, in the penal sum of five hundred dollars, for the safe keeping of said weights and measures and for the performance of all his duties. And in case the governor fails to appoint, or the person appointed fails to qualify

or discharge said duties, the keeper of the capitol shall be ex officio the keeper of weights and measures, and discharge the duties and receive the compensation provided.

Sec. 8066 (1881). Duties of.—It shall be the duty of the keeper of weights and measures, under the direction of the governor, to procure and furnish, at prime cost, to any of the counties, upon an order of the board of county commissioners, any of the standard sealed weights and measures required by law to be kept, and he is hereby authorized, by and with the approval of the governor, to contract for the manufacture of plain sealed weights substantially made of iron, steel, or brass, as the county ordering may direct; yard stick made of substantial wood, each end neatly covered with metal, sealed, marked and stamped "N. C."; half bushel, peck, half peck, quarter peck, and one-eighth peck, made of substantial, well seasoned wood, with secure metallic binding and casing; gallon, half gallon, quart, pint, half pint, and gill measure, made of light sheet copper with iron handles. He shall procure and furnish as herein provided to the board of commissioners of any county ordering the same, dry and liquid sealed measures and yard stick made of brass or copper.

Sec. 8067 (1866–67). State standard-keeper to supply counties.—It shall be the duty of the State standard-keeper to supply to each county which shall call for the same such standard weights as the standard-keeper of such county shall demand, duly sealed, such county paying to the State treasurer the actual cost of such weights, upon the certificate of the State standard-keeper.

Sec. 8068. Standard-keeper to keep record.—It shall be the duty of the State standard-keeper to keep a book, in which he shall keep an accurate account of all the weights and measures by him delivered, and the expenses incurred by him in the purchase of such weights and measures, subject to the inspection of the State treasurer and the general assembly.

Sec. 8069 (a1827). Appointment; term; oath; bond.—The weights and measures, stamps and brands thus provided shall be kept at the courthouse of the respective counties by a standard-keeper, to be elected by the board of commissioners for the term of two years; the person thus elected shall, before the board of county commissioners, take the oath required for public officers and also an oath of office, and shall give bond, with good and sufficient surety, payable to the State of North Carolina, in the sum of two hundred dollars, conditioned for the safe-keeping of weights and measures, stamps and brands of said county, and for the faithful performance of the duties of his office.

Sec. 8070. Removal of standards.—The standard-keeper may remove the weights and measures, stamps and brands from the courthouse, not to exceed sixty days in any one year, for the purpose of testing weights and measures throughout the county.

Sec. 8071, as amended by Laws, 1925, ch. 299, p. 559. Examination of weights and measures; forfeit for neglect; stamp and certificate of correctness.—Every person, firm, or corporation using weights and measures of any and every kind which shall be used in buying or selling or bartering, or for hire, or in fixing or determining the amount of toll or charge or rate for any service shall allow or permit

the standard keeper of the county to try, examine, and adjust by the standard, at least once every year, all the said weights and measures of any and every kind used as aforesaid, and every person, firm, or corporation who shall neglect to comply with the requirements of this section shall forfeit and pay fifty dollars, to be recovered at the suit of the standard keeper, one-half to his use and the other half to the use of the county wherein the default occurs. It shall be the duty of the standard-keeper, when practicable, to mark, by stamp or brand, the weights or measures found or made to agree with the standard, and shall give a certificate of such examination and adjustment, stating the weights and measures examined and adjusted.

Sec. 8072 (1866–67). Destruction of apparatus.—In every instance where the standard-keeper shall have before him for adjustment, or shall find in the possession of any person, intending to use the same, any weight or measure that cannot be adjusted so as to meet the requirements of the law, it shall be the duty of the standard-keeper to destroy the same.

Sec. 8073. Local office abolished in certain counties.—The office of county standard-keeper is abolished in the following counties, and in these counties the section regulating that office and its duties do not apply: Ashe, Beaufort, Bertie, Bladen, Brunswick, Camden, Cumberland, Currituck, Gaston, Halifax, Lincoln, Montgomery, Moore, Northampton, Rutherford, Swain, Warren, Yadkin, Yancey.

Sec. 8074 (a1899). What is a surveyor's chain; tested.—The standard measure for a surveyor's chain shall be twenty-two standard yards, a standard half or two-pole chain shall be eleven standard yards, a standard quarter or one-pole chain shall be five and one-half standard yards; but every person using a surveyor's chain, half-chain, or quarter-chain for measuring land shall every two years test the same in the manner hereinafter provided.

Sec. 8075 (1889). Surveyor's chain tested.—If any person who shall use any chain for measuring land without having the same first measured and sealed by the standard-keeper, or who shall use the same for a longer period than two years without bringing it to the standard-keeper and having the same measured and sealed by him, he shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding ten dollars.

Con. Stats., 1919, Vol. 1, ch. 71, p. 1574.

Sec. 3879 (a1881). Compensation of standard-keeper.—The State standard-keeper shall be allowed such compensation for his services as the governor shall deem adequate, not exceeding one hundred dollars a year.

Sec. 3914 (a1889). Fees of standard-keepers.—Standard-keepers shall be entitled to receive the following fees, and no other, namely: For examining and adjusting a pair of steelyards, twenty-five cents; every weight of half a pound and upwards, five cents; every set of weights below half a pound, including one piece of each denomination, five cents; for a yard stick, or other measure of cloth, five cents; every bushel, half bushel, peck or other measure used in measuring grain, meal or salt, ten cents; each measure for liquors or wines, three

cents, and for extra work on bushel and half-bushel measures a sum not exceeding twenty-five cents in any one case; and for every surveyor's chain, fifty cents.

Con. Stats., 1919, Vol. 1, ch. 56, subch. 1, p. 1156.

Sec. 2674 (1879). Power to establish and regulate markets.—The board of commissioners [of municipal corporations] may establish and regulate their markets, and prescribe at what place, within the corporation, shall be sold marketable things; in what manner, whether by weight or measure, may be sold grain, meal or flour (if flour be not packed in barrels), fodder, hay, or oats in straw; may erect scales for the purpose of weighing the same, appoint a weigher, fix his fees, and direct by whom they shall be paid. But it shall not be lawful for the commissioners or other authorities of any town to impose any tax whatever on wagons or carts selling farm products, garden truck, fish and oysters on the public streets thereof.

Con. Stats., 1919, Vol. 1, ch. 56, subch. 2, p. 1208.

Sec. 2786 (1919). Powers applicable to all cities and towns.—All the provisions of this article, conferring powers upon cities and towns, shall apply to all cities and towns, whether they have adopted a plan of government under this act or not. And the powers herein granted are in addition to and not in substitution for existing powers of cities and towns.

Sec. 2787 (a1919). Corporate powers.—In addition to and coordinate with the power granted to cities in subchapter 1 of this chapter, and any acts affecting such cities, all cities shall have the following powers:

30. To require any or all articles of commerce or traffic to be gauged, inspected, measured, weighed, or metered, and to require every merchant, retail trader or dealer in merchandise or property of any description which is sold by weight or measure to have such weights and measures sealed and to be subject to inspection.

Con. Stats., 1919, Vol. 1, ch. 24, p. 552.

Sec. 1297 (1868). Powers of boards of county commissioners.—The boards of commissioners of the several counties have power—

38. To procure for each county sealed weights and measures, according to the standard prescribed by Congress; and to elect a standard keeper, who shall qualify before the board and give bond approved by the board, as prescribed by law.

Con. Stats., 1919, Vol. 1, ch. 56, Art. 10, p. 1197.

Sec. 2729 (1909). Appointment of inspector of meters.—In every city or town in the State of North Carolina where is furnished, for pay, electicity, gas or water by meter measure, the governing body of the city or town may appoint some competent person to act as inspector of meters, whose duty it shall be to inspect and test such meters and to carry out the provisions of this article as herein provided.

Sec. 2730. Time of appointment; compensation of inspector; inspector to qualify; bond.—Such appointment, if made, shall be made at the first meeting in May of each year of such governing body, subject to the power of such city or town authorities to remove such ap-

pointee in the manner provided for the removal of its other appointees and to fill the vacancy caused by such removal. The compensation of such inspector shall be fixed and shall be paid by the city or town so appointing him, and such inspector shall upon his appointment take oath before the mayor of said city or town that he will faithfully perform the duties herein imposed upon him, and the governing body of the city or town may require the inspector to give bond in such sum as they may fix for the faithful discharge of his duties.

Sec. 2731. Apparatus for testing meters.—Every person, firm, corporation or municipality furnishing for pay electricity, gas or water by meter measure in any city or town having appointed an inspector of meters, as aforesaid, shall provide and keep a suitable and proper apparatus for testing and proving the accuracy of the meters to be so furnished for use, by which apparatus all such meters shall be tested at their rated capacity.

Sec. 2732. Meters not installed before inspection; meters now in use.—No person, firm, corporation or municipality furnishing for pay electricity, gas or water by meter measure shall hereafter furnish, install and put in use any such meter in any city or town having appointed an inspector of meters, as aforesaid, until such meter shall first have been inspected and found correct by such inspector, and it shall be the duty of such inspector to test the same upon the written request of such proposed furnisher. No meter now in service shall be required to be taken out for test, except where there is doubt as to its accuracy and upon the written request of the consumer, as herein provided.

Sec. 2733. Inspection of meters on complaint of consumer; deposit for expense.—When any consumer, by meter, of electricity, gas or water in any city or town having appointed an inspector of meters, as aforesaid, doubts the accuracy of such meter and desires to have the same tested, such consumer may file with the inspector of meters a written complaint of the meter and request that the same be tested, and shall at the same time deposit with the furnisher the sum of one dollar to cover the expense of taking out and replacing such meter, and thereupon it shall be the duty of such inspector as soon as practicable to accurately test said meter in the presence of and jointly with the authorized agent of the furnisher, and also in the presence of the complainant, if he so desires, and shall give to both the complainant and to the furnisher a written report of such test and the result thereof.

Sec. 2734. Repayment or forfeit of deposit.—If upon such test the meter is found to be incorrect, in that it registers more than two and one-half per cent too fast; that is, more than two and one-half per cent more electricity, gas or water than it should, then and in that event the furnisher shall return to the complainant the one dollar deposit and shall promptly [and] properly adjust and repair the meter or furnish a correctly adjusted meter; but if upon such test the meter shall not register more than two and one-half per cent too fast—that is, more than two and one-half per cent more than it ought to—the one dollar deposit shall be retained by the furnisher to cover the expense of taking out and replacing the meter.

Sec. 2735. Adjustment of charges.—If upon such test the meter shall register more than two and one-half per cent too fast, as above defined, the furnisher shall reimburse the complainant at the rate at which the meter registers too fast for a period of one month back; but if upon such test the meter shall be found to be incorrect, in that is registers more than two and one-half per cent too slow—that is, more than two and one-half per cent less electricity, gas or water than it should—then and in that event the complainant shall, in addition to the amount already charged him, pay at once to the furnisher at the rate at which the meter is too slow for a period of one month back, and the furnisher shall have the same rights for collecting such additional sum as is provided for the collecting of the past due and unpaid bills for electricity, gas or water, as the case may be.

Sec. 2736. Standard of accuracy.—Any such meter having been tested and found to be not more than two and one-half per cent too slow nor more than two and one-half per cent too fast, as above defined, shall be considered correct, and such inspector shall so mark or stamp such meter and report the same to the governing body of the city or town.

Sec. 2737. Access to meters.—Nothing in this article shall be so construed as to prevent any furnisher of electricity, gas or water from having free access to the meters.

Con. Stats., 1919, Vol. 2, ch. 84, Art. 7, p. 34.

Sec. 4760. Weight or measure to be stated.—* * * That for the purpose of this article an article shall also be deemed to be misbranded: * * *

In the case of food: * * *

Third. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count so as to comply with the regulations on labeling prescribed by the board of agriculture, provided for by section 4764 in this article. The board of agriculture is hereby authorized to establish rules and regulations permitting reasonable variations when in their judgment exactness is impractical: *Provided*, That the provisions of this paragraph shall not apply to articles in packages or containers when the retail price of such article is six cents or less: *And, provided, further*, That it shall not apply to products on hand at the time of the passage of this act until after January first, one thousand nine hundred and sixteen.

Con. Stats., 1919, Vol. 2, ch. 84, Art. 9, p. 42.

Sec. 4781, as amended by Laws, 1921, ch. 140, p. 405. Standard grades and packages for farm and horticultural products.—The purpose of this act is to give authority to investigate marketing conditions, and to establish and maintain standard grades and packages and State brands for farm and horticulture crops and animal products. The term " farm products " as used hereafter in this act shall be construed to mean any or all of the crops or products named above in this section.

Sec. 4782 (1919). Execution of act.—The board of agriculture is charged with the execution of the provisions of this article, * * *

Sec. 4784. Board authorized to promulgate standard grades and packages; Federal regulations.—After investigation, and from time to time as may be practical and advisable, the board shall have authority to establish and promulgate standards of opened and closed receptacles for, and standards for the grade and other classification of farm products, by which their quantity, quality, and value may be determined, and prescribe and promulgate rules and regulations governing the marks, brands, and labels which may be required for receptacles for farm products, for the purpose of showing the name and address of the producer or packer; the quantity, nature and quality of the product, or any of them, and for the purpose of preventing deception in reference thereto, and for the purpose of establishing a State brand for any farm product produced in North Carolina: *Provided*, That any standard for any farm product or receptacle therefor, or any requirement for marking receptacles for farm products, now or hereafter established under authority of the Congress of the United States, shall forthwith, as far as applicable, be established or prescribed and promulgated as the official standard or requirement in this State: *Provided*, That no standard established or requirement for marking prescribed under this article shall become effective until the expiration of thirty days after it shall have been promulgated.

Sec. 4785. Use of standard containers when made effective; nonstandard packages may be used, when.—* * * Whenever any standard for an open or closed receptacle for a farm product shall be made effective under this article no person shall pack for sale in and deliver in a receptacle, or sell in and deliver in a receptacle, any such farm product to which such standard is applicable, unless the receptacle conforms to the standard, subject to such variations therefrom as may be allowed in the rules and regulations made under this article, or unless the receptacle be of a capacity twenty-five per cent less than the capacity of the minimum standard receptacle for the product: *Provided*, That any receptacle for such farm product of a capacity within twenty-five per cent of, or larger than, the minimum standard receptacle for the product may be used if it be specifically described as not a standard size, or be conspicuously marked with the phrase, "Not standard size," in addition to any other marking which may be prescribed for such receptacles under authority given by this article.

Whenever any requirement for marking a receptacle for a farm product shall have been made effective under this article no person shall sell and deliver in this State any such farm product in a receptacle to which such requirement is applicable unless the receptacle be marked according to such requirements.

Laws, 1921, ch. 170, p. 453.

Sec. 1. Corn meal.—It shall be unlawful for any person or persons to pack for sale, sell, or offer for sale in this State corn meal except in packages containing one pound, two pounds, three pounds, five pounds, ten pounds, twenty-five pounds, fifty pounds, or one hundred pounds, or multiple of one hundred pounds, and whether the meal is bolted or unbolted shall be stated on the package.

Sec. 2. Hominy or grits.—That it shall be unlawful for any person or persons to pack for sale, sell, or offer for sale any hominy or grits

except in packages of one pound, one and one-half pounds, three pounds, five pounds, ten pounds, fifty pounds, or one hundred pounds, or multiples of one hundred pounds.

Sec. 3. Flour; sales from bulk.—It shall be unlawful for any person or persons to pack for sale, sell, or offer for sale in this State flour, except in packages containing six pounds, twelve pounds, twenty-four pounds, forty-eight pounds, ninety-eight pounds, or one hundred and ninety-six pounds of flour, and the net weight of all grits, meal, or flour shall be stated on the package of such meal, flour, or grits, with the name and address of the maker or jobber: *Provided*, The provisions of this act shall not apply to the retailing of grits, meal, or flour direct to customers from bulk, when the same is priced and delivered by actual weight.

Sec. 4. Inspections for discovery of violations; violation certified to solicitor.—The board of agriculture shall cause to be made from time to time such inspections as may be necessary to determine whether the provisions of this act have been violated. If it shall appear from such inspection that any provision of this act have been violated, the commissioner of agriculture shall certify the facts to the solicitor in the district in which the violation was committed, and furnish that officer with the facts in the case.

Sec. 5. Violation of act misdemeanor; seizure and sale of goods; proceeds to use of department of agriculture; release by commissioner.—Any person or persons violating any provision of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment in the discretion of the court, and the meal or flour offered for sale in violation of this act shall be subject to seizure, condemnation, and sale by the commissioner of agriculture, as is provided for the seizure, condemnation, and sale of commercial fertilizers; and the proceeds thereof, if sold, less the legal cost and charges, shall be paid into the treasury for the use of the department of agriculture in executing the provisions of this act: *Provided*, That the commissioner of agriculture may in his discretion order the release of the grits, meal, or flour seized when the owner of same shall offer to pack it in accordance with the provisions of this act, and it shall appear to the satisfaction of the commissioner that said owner did not intend to violate the provisions of the law.

Sec. 6. Meal and flour on hand.—The provisions of this act shall not apply to meal or flour on hand at the time of the passage of this act.

Con. Stats., 1919, Vol. 1, ch. 67, Art. 11, p. 1451.

Sec. 3529 (1913). Carload shipments of watermelons regulated; violation of regulations misdemeanor.—It shall be the duty of all common carriers to furnish the weights of all carload shipments of watermelons originating within the State to the shippers thereof within forty-eight hours after receipt of the same. Any common carrier violating the provisions of this section shall upon conviction be fined ten dollars for each offense.

Con. Stats., 1919, Vol. 2, ch. 91, p. 119.

Sec. 5076 (1784). Shingles, of what size.—Shingles shall not be less than eighteen inches long, four inches broad, and five-eighths of an

inch thick; should they be larger they shall not for that reason be considered unmerchantable.

Sec. 5077. Merchantable planks and boards.—Boards of plank shall be deemed merchantable, and passed by any inspector, that are free from splits not more than twelve inches long, have no edge less than half an inch thick, and as near as may be of an equal thickness at each end; and every board, plank, piece of scantling or other square timber, being marked with the number of more superficial feet than are contained therein shall be forfeited to the county for the use of the poor: *Provided*, No shingles, board, plank, or scantling shall be inspected unless required by the purchaser.

Sec. 5079°. Sawmill lumber and tun timber, how measured.—All tun and square timber and sawmill lumber at the several markets and mills in the State shall be measured by superficial or board measure; and any person who shall sell such timber by any other measure shall pay ten dollars for every offense.

Sec. 5081 (a1889). Sale of firewood in towns to be by cord.—All firewood sold in incorporated towns shall be sold by the cord and not otherwise; and each cord shall contain eight feet in length, four feet in height and four feet in breadth; and shall be corded by the seller, under the penalty of two dollars for each offense, to the use of the informer.

Sec. 5082 (1915). Gas and electric light bills to show reading of meter.—It shall be the duty of all gas companies and electric light companies selling gas and electricity to the public to show, among other things, on all statements or bills rendered to consumers, the reading of the meter at the end of the preceding month, and the reading of the meter at the end of the current month, and the amount of electricity, in kilowatt hours, and of gas, in feet, consumed for the current month.

Any gas or electric light company failing to render bills or statements, as provided for in this section, shall be subject to a penalty of ten dollars for each violation of this section or failure to render such statements, recoverable before a justice of the peace by any person suing for the same; but this section shall not apply to bills and accounts rendered customers on flat rate contracts.

Sec. 5085 (1874–75). Cotton, weighing of.—If any weigher or purchaser of cotton shall make any deduction from the weight of any bag, bale, or package of lint cotton, for or on account of the draft, turn, or break of the scales, steelyards, or other implement used in weighing the same, or for any other cause except as herein allowed, the person so offending shall be guilty of a misdemeanor, and fined three hundred dollars or imprisoned, in the discretion of the court: *Provided*, That the weigher may make such proper deduction as shall be agreed on by him and the seller, or his agent, for water, dirt, or other foreign substance in or on such bag, bale, or package of cotton, or for other just cause.

Sec. 5086. Cotton weigher failing to file oath a misdemeanor.—Every public weigher of cotton shall, before entering on the duties of his office, make and subscribe the oath prescribed for cotton weighers, which, when made, shall be filed in the office of the register of deeds for the county in which the person acts as weigher, and said register shall make a note of the same, and any person acting as weigher without making and filing the oath shall be guilty of a misdemeanor,

and shall be fined twenty-five dollars for every bag, bale, or package of cotton which he shall have unlawfully weighed before being qualified to do so.

Sec. 5096 (1856–57). Cotton sold in Wilmington to be weighed; who to weigh; board of county commissioners fix fee.—All cotton sold in the town of Wilmington shall be weighed, under the penalty of one hundred dollars for any bale sold without being weighed by the proper officer. This not to apply to cotton bought elsewhere and brought to Wilmington for export. Cotton shall be weighed by the inspectors of flour and provisions, who have been or who may be, from time to time, appointed by the board of county commissioners of New Hanover. The board of county commissioners of said county shall, from time to time, fix the fee, not to exceed ten cents per bale, for the weighing of the aforesaid articles, and until said board shall determine said fee, the inspector shall be entitled to receive the following fee viz., for every bale of cotton weighed, ten cents.

Sec. 5125 (1895). Weighing tobacco.—All leaf tobacco sold upon the floor of any tobacco warehouse shall first be weighed by some reliable person, who shall have first sworn and subscribed to the following oath, to wit: "I do solemnly swear (or affirm) that I will correctly and accurately weigh all tobacco offered for sale at the warehouse of _____, and correctly test and keep accurate the scales upon which the tobacco so offered for sale is weighed." Such oath shall be filed in the office of the clerk of the superior court of the county in which said warehouse is situated.

Con. Stats., 1919, Vol. 1, ch. 37, p. 845.

Sec. 1922 (a1913). Dimensions of oyster measure.—All oysters measured in the shell shall be measured in a circular tub with straight sides and straight, solid bottom, with holes in the bottom not more than one-half inch in diameter. The said measure shall have the following dimensions: A bushel tub shall measure 18 inches from inside to inside across the top, 16 inches from inside to inside chimb to the bottom and 21 inches diagonal from inside chimb to top. All measures found in the possession of any dealer not meeting the requirements of this section shall be destroyed by said fisheries commissioner, assistant commissioner or inspector. Any person using an unlawful measure for the sale or purchase of oysters shall be guilty of a misdemeanor.

Sec. 1924 (1903). Using illegal measures for oysters.—If any person shall in buying or selling oysters use any measure other than that prescribed by law for the measurement of oysters, or if any dealer in oysters shall have in his possession any measure for measuring oysters other than that prescribed by law, he shall be guilty of a misdemeanor and be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Sec. 1961 (1909). Salt fish sold by weight; marked on package.—All salt fish packed for market shall be sold at their net weight, which shall be marked on every package; and any person packing or offering for sale salt fish, fraudulently marking the net weight on the package, shall for each offense be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned not more than thirty days, or both, at the discretion of the court.

Sec. 1962. Salt mullet; special marking.—Each package of salt mullets packed and offered for sale shall be marked or stamped "large," "medium" or "small," and all packages containing any other kind of fish shall be marked plainly the name of the fish contained, and any person who shall pack as principal or shall have the same done by others for him shall be deemed the packer and shall stamp his name and place of packing, together with net weight and size of fish, as prescribed in this section, on the head of each package before offering for sale or shipment, and on failure to pack and stamp as herein prescribed, or to pack or stamp said package falsely, so as to misrepresent the weight or size of the fish in said package, shall be guilty of a misdemeanor and fined not less than five nor more than fifty dollars for each offense, and may be imprisoned at the discretion of the court, not to exceed thirty days: *Provided*, This section shall not apply to packages containing less than fifty pounds net fish: *Provided further*, This section shall not apply to fishermen themselves, but shall apply only to merchants and others who may be classed as packers or brokers, within the proper meaning of the term.

Sec. 1963 (1911). Standard measure established for menhaden fish (fatbacks); use of other standard misdemeanor; punishment; proviso; separate offense.—For the purpose of uniformity in the trade of manufacturing fish scrap and oil in the State of North Carolina, there is hereby established a standard measure of twenty-two thousand cubic inches for every one thousand fish. Any person, firm, corporation or syndicate buying or selling menhaden fish for the purpose of manufacturing within the borders of this State, who shall measure the fish by any other standard (more or less) than is prescribed in this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not to exceed thirty days. Each day said measure is unlawfully used shall constitute a separate and distinct offense.

Con. Stats., 1919, Vol. 1, ch. 52, p. 1115.

Sec. 2533 (a1885). Measures kept, toll by weight.—All millers shall keep in their mills the following measures, namely, a half bushel and peck of full measure, and also proper toll dishes for each measure; but the toll allowed by law may be taken by weight or measure at the option of the miller and customer.

Sec. 2534 (1848). Mills, false toll dishes.—If any owner, by himself or servant, keeping any mill, shall keep any false toll dishes, he shall be guilty of a misdemeanor.

Con. Stats., 1919, Vol. 2, ch. 84, p. 3.

Sec. 4690 (a1917). Fertilizer; net weight.—All persons, companies, manufacturers, dealers, or agents, before selling or offering for sale in this State any commercial fertilizer or fertilizer material, shall brand or attach to each bag, barrel, or package the brand name of the fertilizer, the weight of the package, the name and address of the manufacturer, * * *. These items shall be branded or printed on the bag or package in the following order:

1. Weight of each package in pounds.
2. Brand name or trade-mark.
7. Name and address of the manufacturer.

Sec. 4705. Cotton-seed meal; weight to be marked.—All cotton-seed meal offered for sale, unless sold to manufacturers for use in manufacturing fertilizers, or feed, shall have plainly branded on the bag containing it, or on the tag attached thereto, the following data:

1. Cotton-seed meal (with brand and grade).
2. Weight of package. * * *
4. Name and address of manufacturer.

Sec. 4724 (1909). Concentrated commercial feeding stuffs.—Every lot or parcel of concentrated commercial feeding stuff sold, offered or exposed for sale within this State shall have affixed thereto or printed thereon, in a conspicuous place on the outside thereof, a legible and plainly printed statement in the English language clearly and truly certifying the weight of the package; the name, brand, or trade-mark under which the article is sold; the name and address of the manufacturer, jobber, or importer; * * *

Sec. 4725. Weight of packages prescribed.—All concentrated commercial feeding stuffs shall be in standard-weight bags or packages of twenty-five, fifty, seventy-five, one hundred, one hundred twenty-five, one hundred fifty, one hundred seventy-five, and two hundred pounds.

NORTH DAKOTA

Laws, 1923, ch. 344, p. 515.

Sec. 1. Inspector of weights and measures, and deputy inspector; powers and duties.—The sheriff of each county within the State shall be the inspector and sealer of weights and measures. He shall have power to appoint a deputy to perform the duties hereinafter provided, who must be a person qualified by experience and training to intelligently perform the same, but he may be a regular deputy sheriff provided he has the qualifications above described. The deputy shall have the same power and perform the same duties under this article as the inspector and sealer, and shall take and subscribe the oath required by other county officers.

Sec. 2. Inspector of deputy, powers and duties.—The inspector and sealer or his deputy shall once in each year, test all weights and measures, scale beams, patent balances, steelyards and other instruments used in weighing or measuring any commodity sold by weight or measure in his county by the duplicates of said weights and measures as hereinafter provided: *Provided*, The inspector of weights and measures or his deputy may test wagon scales oftener than once each year if he has reason to believe that the same are not weighing correctly. He shall give to the person in charge of such weights or measures a certificate of the correction thereof, if found to be correct, and if found to be incorrect, he shall cause the same to be corrected, if he can, and if not he shall mark the same "condemned" and in case of short weights or measures that can not be corrected he shall condemn, confiscate and keep the same for evidence. He shall keep a record of all such certificates issued by him and of all his transactions under this article, and shall file with the county auditor during the month of December of each year's statement showing the date of examination and giving the names of the persons, firms or corporations whose scales, weights and measures have been by him examined, and setting out against such names an enumeration of any scales, weights or measures by him so condemned.

Sec. 3. Standard of weights and measures; penalty for altering.—The standard of weights and measures shall be the standard adopted by the Government of the United States, and any person who knowingly uses for the purpose of purchase or sale or keeps for public use a weight, measure, scale, balance or beam, which does not conform to the standard of weights and measures adopted by the State, or who alters a weight, measure, scale, balance or beam after it has been adjusted and sealed so that it does not conform to such standard and fraudulently makes use thereof, shall be fined for each offense fifty dollars.

Sec. 4. County standards.—The board of county commissioners of each county shall purchase such duplicates of weights and measures

enumerated in section 10 of this act, as are deemed necessary for the use of the inspector in the carrying out of the provisions of this article, which duplicates shall be paid for by the county and be delivered to the inspector, who shall be responsible to the county under his bond as sheriff for their delivery to his successor in office.

Sec. 5. Fees; compensation for correcting and adjusting.—The inspector of weights and measures shall demand and receive for the inspection herein provided for, and the furnishing to the person whose weights and measures are inspected, a certificate of such inspection, the following fees, which fees shall belong to the inspector and need not be turned over to the county:

For inspecting and sealing railroad and track scales of capacity of twenty tons and upwards	$3.00
For inspecting and sealing dormant scales, each	2.00
For inspecting and sealing movable platform scales	1.00
For inspecting and sealing beams weighing one hundred pounds and upwards	.25
For inspecting and sealing hopper scales, each	1.50
For inspecting and sealing counter scales, each	.25
For inspecting and sealing every patent balance, beam, steelyard or other instrument used for weighing other than the above enumerated, each	.25
For inspecting and sealing any two-bushel or one-bushel measure	.25
For inspecting and sealing any other dry measure, each	.10
For inspecting and sealing liquid measures of a capacity of five gallons or more, each	.25
For inspecting and sealing anything less than one gallon	.10
For inspecting and sealing liquid measures of less than five gallons and not less than one gallon	.15
For inspecting and sealing any board or cloth measure, each	.10

When the inspector or his deputy shall find any of the instruments or articles used in weighing or measuring to be wrongly adjusted, misconstructed, out of repair, or in any other condition which can be remedied by him, it shall be his duty to correct such scale or measure and he shall collect for such services seventy-five cents per hour for the actual and necessary time consumed in making such corrections and just compensation for any material used in such correction.

Sec. 6. Using false weight or measure; inspector not to seal incorrect weights or measures; seizing for evidence.—If any person knowingly uses a false weight, measure, scale, balance or beam after such weight, measure, scale, balance or beam has been adjusted and sealed and alters it so that it does not conform to the public standard and fraudulently makes use of it, he shall forfeit for each offense fifty dollars, and every inspector and sealer who has reasonable cause to believe that a weight, measure, balance or beam has been altered since it was last adjusted and sealed shall enter the premises in which it is kept or used and shall examine the same and if found tampered with, shall have power to seal them in such a manner that they can not be used until such disability is removed and such scale, balance or beam shall be kept sealed until such fine is paid. The inspector or sealer shall in no case seal or mark as correct any weights, measures or balances which do not conform to the standard. If such weights, measures or balances can be readily adjusted as heretofore provided, he may adjust and seal them, but if they can not by him be adjusted he shall affix to such weights, measure or balance a notice prohibiting their use until he is satisfied that they have been so adjusted as to conform to the standard, and who-

ever removes said notice without the consent of the officer affixing the same, shall for each offense forfeit a sum not exceeding fifty dollars. The sealer or deputy sealer of weights and measures may seize without warrant such weights, measures or balances as may be necessary to be used as evidence in case of violation of the law relating to the sealing of weights and measures, such weights, measures or balances to be returned to the owner or forfeited as the court may direct.

Sec. 7. Making complaint of violation.—Any person believing any dealer is violating the provisions of this act may make complaint, in writing, to any inspector or sealer or his deputy and deposit with him five dollars, setting forth the particular facts relating to such violation and that he has reason to believe that the same are true. Upon such complaint such sealer or his deputy shall forthwith test the scales, weights and measures respecting the matter complained of, by his duplicates, and if found to conform thereto he may convert the five dollars so deposited to his own use as his fee for such services. If he finds that any of the matters so complained of are true he shall return the five dollars to the complainand and it shall be his duty forthwith to arrest the person in charge of such scale, and take him before a justice of the peace in the county for trial and upon conviction such person, whether the owner or not, shall be guilty of a misdemeanor and punished accordingly. In all such cases the sealer or deputy sealer making the test shall make and swear to the complaint and shall be entitled to the same fees as allowed officers making an arrest upon a warrant, besides the sum of one dollar for making the test.

Sec. 8. Obstructing or misleading an inspector.—Any person who shall willfully obstruct or mislead the inspector or sealer in the execution of his duties as herein provided, shall be subject to conviction and punishment therefor in the same manner as is now provided for the conviction and punishment of persons opposing or hindering an officer, ministerial, judicial or executive, under the laws of the State, and the inspector and sealer shall have full power and authority for the various purposes named to examine any weights, measures, scales, balances or beams.

Sec. 9. Commissioner of agriculture and labor responsible for standards and other property.—All standards of weights and measures and all other property, apparatus for weighing and measuring supplies, records and correspondence now in the possession of the State inspector of grades, weights and measures, as provided in chapter 241 of the Session Laws of North Dakota for the year 1919, shall be transferred to the commissioner of agriculture and labor who shall then become responsible to the State of North Dakota for the proper use and care of the same.

Sec. 10. Commissioner of agriculture and labor to keep certain standards; use of such standards; record of county standards tested.—The commissioner of agriculture and labor shall procure and keep in his office the following standards of weights and measures, which shall conform in every particular to the United States standards of weights and measures: One bushel, one-half bushel, one peck, one-half peck, one quart, one wine gallon, one wine half gallon, one wine quart, one wine pint, one wine gill. Such measures shall be made of

copper or other suitable and substantial material; also one surveyor's chain, thirty-three standard feet in length, one yard measure, one foot measure and one inch measure; also one one-hundred-pound weight, one fifty-pound weight, one twenty-five pound weight, one ten-pound weight, one one-pound weight, one half-pound weight, one quarter-pound weight, one one-eighth of a pound, one one-sixteenth of a pound or one ounce weight, one set of apothecaries' weights from one pound to one grain, one set of troy weights from one pound to one grain; besides such other scales, beams and balances as shall be necessary to test other weights by these standards; which measures, weights, scales, beams and balances are hereby declared to be the legal standards of weights and measures for this State. Such commissioner of agriculture and labor shall be charged with the custody and be accountable to the State for the proper use and care of the same. Such standards shall be used only for testing the standards provided for in this article, and such commissioner of agriculture and labor shall keep a record of all county weights, measures, beams and balances marked and tested by him.

Sec. 11. Repeal.—That sections 2999, 3000, 3003, 3004, 3005 of the Compiled Laws of North Dakota for the year 1913, and chapter 241 of the Session Laws of 1919, and all acts and parts of acts in conflict herewith are hereby repealed.

Laws, 1919, ch. 239, p. 483.

Sec. 1. Dry measure.—The standard measure of capacity for commodities sold by dry measure, shall be the bushel containing 2,150.42 cubic inches. The half bushel, peck, half peck, quarter peck, quart and pint shall be derived by successively dividing that measure by two.

Sec. 2. Liquid measure.—The standard measure of capacity for liquids shall be wine gallon, containing 231 cubic inches; and 31.50 gallons shall constitute a barrel, and 63 gallons a hogshead.

Sec. 3. Lineal measure.—The standard measure of length, from which all other measures of extension, lineal, superficial or solid, shall be derived, is the yard, of 3 feet, or 36 inches.

Sec. 4. Hundredweight.—In contracts for the sale of goods or commodities the term "hundredweight" shall mean 100 pounds avoirdupois.

Sec. 5. Standard weight of bushel, etc.—In contracts for the sale of any of the following articles, the term "bushel" shall mean the number of pounds avoirdupois herein stated:[1]

	Pounds		Pounds
Alfalfa	60	Broom corn seed	30
Apples	50	Buckwheat	42
Apples, dried	28	Corn, in the ear	70
Barley	48	Corn, shelled	56
Beans	60	Corn, sweet	48
Beans, broad Windsor	47	Carrots	45
Beans, Lima	55	Chestnuts	50
Beans, whit erunner pole	50	Clover seed	60
Beets	60	Coal, stone	80
Blue grass seed	14	Cranberries	36
Bran	20	Cucumbers	48
Bromus inermis	14	Flaxseed	56

[1] A slight change has been made in the arrangement for convenience of reference.

	Pounds
Hempseed	50
Hickory nuts	50
Hungarian grass seed	48
Lime	80
Millet	50
Oats	32
Onions	52
Onions, bottom sets	32
Onions, top sets	28
Orchard grass seed	14
Parsnips	42
Peaches, dried	28
Peanuts	22
Pears	45
Peas	60
Plastering hair, unwashed	8
Plastering hair, washed	4
Potatoes, Irish	60
Potatoes, sweet	46
Rapeseed	50
Rhubarb	50
Rutabagas	52
Rye	56
Salt	80
Sorghum seed	57
Speltz	40
Timothy seed	45
Turnips	60
Tomatoes	50
Walnuts	50
Wheat	60

Sec. 6. Standard measurement of wood.—In all contracts for sale of wood the term "cord" shall mean 128 cubic feet of wood, in four-foot lengths; and if the sale is of "sawed wood," a cord shall mean 110 cubic feet when ranked, or 160 cubic feet when thrown irregularly or loosely into a conveyance for delivery to the purchaser; and if the sale is of "sawed and split" wood, a cord shall mean 120 cubic feet, when ranked, and 175 cubic feet when thrown irregularly and loosely in a conveyance for delivery.

Sec. 7. Standard weight of coal.—In all contracts for the sale of coal, charcoal and ice the term "ton" shall mean 2,000 pounds. A sale of coal, charcoal and ice, except by weight is hereby prohibited.

Sec. 8. Standard weight of flour.—In all contracts for the sale of flour, the term "barrel" shall mean 196 net pounds avoirdupois.

Sec. 9. Fractional parts.—All contracts for the sale of a fractional part of a bushel, barrel, ton or cord of any article or commodity on which the legal weight or measurement per bushel, barrel, ton, cord, gallon or fractional parts has been established, shall require and mean a like fractional part of the legal and established weight or measurement per bushel, barrel, ton or cord.

Sec. 10. Penalty for violation.—Whoever in buying shall take any greater number of pounds or cubic feet to the bushel, barrel, ton, cord, gallon or fractional part, as the case may be and as herein allowed and provided, or in selling shall give any less number shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars or by imprisonment for not less than ten days nor more than ninety days in the county jail, and the cost of such proceeding.

Sec. 11. Variation.—The State inspector of grades, weights and measures[2] shall establish uniform tolerance or reasonable variances to take care of unavoidable shrinkage and all scale variations in handling and weighing any of the articles mentioned in this act.

Sec. 12. Repealing clause.—Section 3006 of the Compiled Laws of North Dakota for the year 1913 and all other acts and parts of acts in conflict with the provisions of this act are hereby repealed.

[2] This office abolished by Laws, 1923, ch. 344, p. 515, which repealed Laws, 1919, ch. 241, p. 487.

Laws, 1923, ch. 222, p. 289.

Sec. 6. Net contents to be marked on packages containing food.—That for the purposes of this act an article shall also be deemed to be misbranded: * * *

B. In the case of food: * * *

Fourth. If, in package form, the name of the article, together with the quantity of the contents in terms of weight, measure or numerical count, be not plainly and conspicuously marked on the the outside of the package.

Fifth. If, in package form, the package be not filled with the food it purports to contain, irrespective of whether the quantity of the contents be plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count. * * *

Sec. 7. Lard, how sold.—Every lot of lard, or of lard compounds, or of lard substitutes, unless sold in bulk, shall be sold in pails or other containers holding one, three or five pounds net weight, or some whole multiple of these numbers and not any fractions thereof.

Sec. 8. Bread, how sold.—It shall be unlawful for any person to sell, offer or expose for sale or to have with intent to sell or transport any bread, the loaf of which is not one of the following weights: Sixteen ounces; twenty-four ounces avoirdupois or any whole multiple of sixteen ounces avoirdupois. The weights shall apply alike to each unit of twin or multiple loaves. Any loaf shall be of the required weight at any period from the time of baking until twelve hours thereafter. The above required weight standards shall apply alike to wheat bread, white bread, milk bread, rye bread, raisin bread, currant bread, brown bread, graham or whole wheat bread and other similar kinds of farinaceous substances baked in loaves and known and designated by the trade as bread. The average weight of loaves shall be as often above as below any permissible weights: *Provided*, That the weight standards defined in this section shall not be construed to apply to cake, buns, biscuits and similar small unit products.

Sec. 9. Special weights and sizes.—It shall be unlawful for any person, firm or corporation to manufacture, sell or expose for sale, any article of food or drug in any package or container, the size or shape of which may deceive or tend to deceive the purchaser of such product as to the contents of said package or container, and that for the purpose of preventing fraud and deception, the State food commissioner and chemist shall hereby be authorized to establish, publish and enforce rules and regulations relative to the size, weight or style of package of other specific food or drug commodities than those specifically named in section 7 and section 8 of this act, and such rules and regulations shall have the force and effect of law.

Comp. Laws, 1913, Vol. 1, ch. 38, p. 614.

Sec. 3014 (1909). Unlawful to buy at other than legal weight; dockage.—It shall be unlawful for any person, firm, association, copartnership or corporation doing business in the State to purchase or receive any wheat, oats, barley, flax, or other grains at a different weight for the bushel measure than the number of pounds fixed by the laws of our State, and no dockage shall be taken or received on

same, excepting on such grains as the grain inspection boards for the terminal markets of the States of Minnesota and Wisconsin place a dockage.

Sec. 3015. Penalty.—Any person, firm, association, copartnership or corporation found guilty of violating the provisions of this article shall be guilty of a misdemeanor and be fined not less than twenty-five nor more than one hundred dollars for each and every offense.

Sec. 3016 (a1893). Public scales.—The board of county commissioners of any county is authorized in its discretion, when petitioned by fifteen or more residents and actual farmers of the county, to establish and locate public scales at suitable railway stations in its county.

Sec. 3017. Care and capacity of scales.—Such scales shall be purchased by the county, and shall be under cover, and of not less than five tons' weighing capacity, and shall be the property of the county, and at all times under its control and subject to removal when the county commissioners shall so require.

Sec. 3018. Appointment of weighmasters.—The board shall also appoint at each place where it establishes such scales, a public weighmaster, who shall have the custody and care of such property, and who shall give a bond in the sum of five hundred dollars, conditioned for the safe-keeping of the same and for the faithful and impartial discharge of his duties.

Sec. 3019. Weighmasters to keep record.—Each public weighmaster shall keep a stub record of all weighing, which record and the receipt of such weighmaster shall show for whom property was weighed, and shall, with such receipt, constitute prima facie evidence of the facts therein contained.

Sec. 3020. Compensation.—Such public weighmasters shall receive such compensation and shall be governed by such rules and regulations as may be adopted by the board of county commissioners, and may be removed at any time by such board for cause.

Comp. Laws, 1913, Vol. 2, ch. 71, p. 2296.

Sec. 9983°. False weights and measures; penalty.—If any person with intent to defraud, uses a false balance, weight or measure, in the weighing or measuring of anything whatever that is purchased, sold, bartered, shipped or delivered, for sale or barter, or that is pledged or given in payment, he shall be punished by fine not exceeding one hundred dollars nor less than five dollars, or by imprisonment in a county jail not more than thirty days, or by both such fine and imprisonment, and shall be liable to the injured party in double the amount of damages.

Sec. 9984. Retaining same.—Every person who retains in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it, or permits it to be used in violation of the last section, shall be punished as therein provided.

Sec. 9985. Officer may seize same.—Every person who is authorized or enjoined by law to arrest another person for a violation of sections 9983 and 9984, is equally authorized and enjoined to seize any false weights or measures found in the possession of the person so arrested, and to deliver the same to the magistrate before whom the person so arrested is required to be taken.

Sec. 9986. May be tested and destroyed.—The magistrate to whom any weight or measures is delivered, pursuant to the last section, shall, upon the examination of the accused, or, if the examination is delayed or prevented, without awaiting such examination, cause the same to be tested by comparison with standards conformable to law; and if he finds it to be false, he shall cause it to be destroyed, or to be delivered to the State's attorney of the county in which the accused is liable to prosecution or trial, as the interests of justice in his judgment may require.

Sec. 9987. Duty of State's attorney.—Upon the conviction of the accused, such State's attorney shall cause any weight or measure in respect whereof of the accused stands convicted, and which remains in the possession or under the control of such State's attorney, to be destroyed.

Sec. 9988. Stamping false weight or tare.—Every person who knowingly marks or stamps false or short weight or false tare on any cask or package, or knowingly sells or offers for sale any cask or package so marked, is guilty of a misdemeanor.

Comp. Laws, 1913, Vol. 1, ch. 44, p. 855.

Sec. 3599 (a1913). General powers of city council; to provide for the place and manner of selling commodities; regulate selling of bread; regulate inspecting, weighing and measuring of certain articles; weights and measures, sealing of, etc.; vendors to use correct weights and measures.—The city council shall have power:

36. To provide for the place and manner of sale of meats, poultry, fish, butter, cheese, lard, vegetables and all other provisions, and regulate the selling of the same.

37. To regulate the sale of bread in the city and prescribe the weight and quality of the bread in the loaf.

39. To regulate the inspecting, weighing and measuring of lumber, firewood, coal, hay and other articles of merchandise, to establish or purchase one or more city scales, and to require dealers in hay, coal, firewood or any other commodity which in the judgment of the city council should be weighed upon the city scales, to use such scales in the sale of such commodity, and such city is authorized to charge a reasonable fee therefor.

40. To provide for the inspection and sealing of weights and measures.

41. To enforce the keeping and use of proper weights and measures by vendors.

70. To tax, licence and regulate auctioneers, lumber yards, public scales, money changers and brokers.

Comp. Laws, 1913, Vol. 1, ch. 45, p. 924.

Sec. 3818 (a1911). General powers of commissioners.—The board of city commissioners shall have power: * * *

30. To regulate the sale of bread in the city and prescribe the weight and quality of the bread in the loaf.

32. To regulate the inspection, weighing and measuring of lumber, firewood, coal, hay and any articles of merchandise.

33. To provide for the inspection and sealing of weights and measures.

34. To enforce the keeping and use of proper weights and measures by vendors.

Comp. Laws, 1913, Vol. 1, Art. 59, p. 726.

Sec. 3007°. Ton of hay.—A ton of hay shall consist of two thousand pounds; or by measurement, three hundred and forty-three cubic feet after the same shall have been stacked thirty days or such time as may be agreed upon between the parties.

Sec. 3008. Perch of stone.—A perch of mason work or stone shall consist of twenty-five feet, cubic measure.

Comp. Laws, 1913, Vol. 1, ch. 14, p. 1103.

Sec. 4775 (1890). Platform scales.—Every railroad company shall allow suitable scales to be erected either upon the platform or upon the grounds adjacent thereto, if upon their right of way, for weighing and shipping purposes.

Sec. 4776. Penalty.—Every railroad company neglecting or refusing to comply with the requirements of the last four sections shall be deemed guilty of a misdemeanor and be subject to a fine of not less than five hundred dollars for every thirty days such failure shall continue after notice as aforesaid.

Laws, 1919, ch. 192, p. 358.

Sec. 6. Track scales, installation of.—The commissioners [the board of railroad commissioners of the State] shall have the power to order and require the installation of track scales by common carriers at all points in the State where the same are deemed to be necessary and to enforce reasonable regulations for the weighing of cars and freight.

Sec. 9.—(*a*) The commissioners and their officers and employes shall have the power to enter upon any premises occupied by any public utility for the purpose of making examinations and tests and exercising any of the powers provided for in this act and to set out and use on said premises any weights or appliances necessary therefor. (*b*) Any consumer or user of any produce or commodity or service of a public utility may have any appliance used in the measurement thereof tested by paying the fees fixed by the commissioners. The commissioners shall establish and fix reasonable fees to be paid for testing such appliances. (*c*) The commissioners shall have the power to ascertain and fix just and reasonable standards, classifications, regulations, practices, measurements or services to be furnished, imposed, observed and followed by all public utilities; to ascertain and fix adequate and serviceable standards for the measurement, quantity, quality, pressure, initial voltage or other condition pertaining to the supply of the product, commodity or service furnished or rendered by any such public utility; to prescribe reasonable regulations for the examination and testing of such products, commodity or service and for the measurement thereof; to establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurements, and to provide for the examination and testing of any and all such appliances used for the measurement of any product, commodity or service of any public utility.

Comp. Laws, 1913, Vol. 1, ch. 38, p. 614.

Sec. 2853, as amended by Laws, 1915, ch. 81, p. 93. Standard milk and cream measures and tests.—The State standard milk measure, or pipette, shall have a capacity of seventeen and six-tenths cubic centimeters, and the standard test tubes or bottles for milk shall have a capacity of two cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero," and ten on the graduated scale on the neck thereof. Cream shall be tested by weight and the standard unit for testing shall be eighteen grams, and the standard test tubes or bottles shall have a capacity for ten cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero," and fifty on the graduated scale on the neck thereof, and it is hereby made a misdemeanor to use any means of determining the amount of butterfat in milk or cream other than the Babcock test, or to use any measures, weights, test tubes or bottles, other than those herein described to test the value of milk or cream or the products of either or both, or to determine the percentage of butterfat contained therein. Any manufacturer, merchant, dealer or agent in this State who shall offer for sale or sell a milk pipette or measure, test tube or bottle, which is not marked or graduated as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law.

Sec. 2890. Fertilizers; net weight to be shown.—Every person who shall sell, offer or expose for sale in this State any commercial fertilizer or any material to be used as a fertilizer, the selling price of which exceeds five dollars per ton, shall stamp on or affix to each package of such fertilizer, in a conspicuous place on the outside thereof, a plainly printed statement which shall certify as follows:

1. The number of net pounds of fertilizer in the package sold or offered for sale.

2. The name, brand or trade-mark under which the fertilizer is sold.

3. The name and address of the manufacturer of the fertilizer.

Sec. 2911, as amended by Laws, 1921, ch. 37, p. 71. Weight to be marked on packages of feeding stuff.—Every lot or parcel of any "concentrated commercial feeding stuff," as defined in section 3 [2913], used for feeding farm live stock, sold, offered or exposed for sale in the State, shall have affixed in a conspicuous place on the outside thereof, a legible and plainly written statement, clearly and truly certifying the number of net pounds contained therein, the name, brand or trade-mark under which the article is sold, the name and address of the manufacturer or importer, * * *

Comp. Laws, 1913, Vol. 2, ch. 51, p. 2256.

Sec. 9763°. Omitting to mark baled hay.—Every person who, in putting up or pressing any bundle of hay for market, omits to put the number of pounds in each bundle or bale so put up, for which he sells or offers to sell it, is guilty of a misdemeanor.

Sec. 9764. Fraudulently increasing weight.—Every person who, in putting up in any bag, bale, box, barrel or other package, any hops, cotton, hay or other goods usually sold in bags, bales, barrels or packages, by weight, puts in or conceals therein anything whatever for the purpose of increasing the weight of such bag, bale, box,

barrel or package, is punishable by a fine of twenty-five dollars for each offense.

Comp. Laws, 1913, Vol. 2, ch. 57, p. 2268.

Sec. 9845°. Weighmaster making false entry.—Every weighmaster upon any canal that may hereafter be constructed and owned by this State and every clerk of such weighmaster, who knowingly makes a false entry of the weight of any boat or cargo of any boat navigating such canal, or who knowingly makes a false certificate of the light weight of any boat, is guilty of a misdemeanor.

Laws, 1915, ch. 188, p. 273.

Sec. 13, as amended by Laws, 1917, ch. 162, p. 228. Barrel of illuminating oils, gasoline or petroleum products.—Each and every inspector and deputy inspector who shall inspect any consignment of illuminating oils or gasoline or petroleum products of less than one hundred degrees Fahrenheit, flash test, as provided in this article, shall charge the consignor or consignee of such goods the sum of three cents for testing a barrel or less quantity. Fifty gallons shall constitute a barrel * * *

Laws, 1919, ch. 165, p. 284.

Sec. 10. Inspector ex officio sealer of weights and measures.—The State coal mine inspector is hereby made, equally with the State inspector of weights and measures, ex efficio sealer of weights and measures, in so far as the same relates to coal mines and coal mining, and as such is empowered to test and compare all weights and measures used in weighing and measuring coal at any coal mine, or used in measuring air passages or other openings in coal mines, with the standards of weights and measures kept by the State inspector of weights and measures. Upon the written request of any coal mine owner or operator or ten coal miners employed at any one time, it shall be his duty to test and prove any scale or scales at such mine against which complaint is directed. In the event that any test made by said coal mine inspector shall conflict with any test made by any State sealer of weights and measures, then the test by said State coal mine inspector shall prevail.

Sec. 11. Standard test weights to be furnished to inspector.—For the purpose of carrying out the provisions of this act, the State coal mine inspector shall be furnished by the State with such sets of standard weights suitable for testing the accuracy of track scales, and all smaller scales at mines, as may in the judgment of the State coal mine inspector be necessary; said test weights shall remain in the custody of the State coal mine inspector for use at any point within the State, and for any amounts expended by him for the storage, transportation or the handling of the same, he shall be fully reimbursed upon making proper entry of the proper items in his expense voucher.

Sec. 12. Refusal of mine operators to furnish facilities for examination.—If any owner, lessor or operator shall refuse to permit such inspection or to furnish the necessary facilities for making such examination and inspection, the inspector shall file his affidavit setting forth his refusal with the judge of the district court in said county in which said mine is situated, either in term time or vaca-

tion, and the said judge shall thereupon issue an order on such owner, operator or agent so refusing as aforesaid, commanding him to permit and furnish such necessary facilities for the inspection of such coal mine, or to be adjudged to stand in contempt of court and punished accordingly.

Sec. 34. Oath of weighman; check weighman.—The weighman employed at any mine shall subscribe to an oath of affirmation before some officer authorized to administer oaths, to do justice between employer and employe, and to truly and correctly weigh the output of coal from the mines as herein provided. The miners employed by or engaged in working for any mine owner, operator, lessee of any mine in this State shall have the privilege, if they desire, of employing at their own expense a check weighman who shall have like equal rights, powers and privileges in the weighing of coal as the regular weighman and be subject to the same oath and penalties as the regular weighman. Said oath or affirmation shall be kept conspicuously posted in the weight office and any weigher of coal or person so employed, who shall knowingly violate any of the provisions of this section, or any owner, operator or agent of any coal mine in this State who shall forbid or hinder miners employing or using check weighmen as herein provided, or who shall prevent or willfully obstruct any such check weighman in the discharge of his duty, shall be deemed guilty of an offense against this act. Whenever the State coal mine inspector, or his deputy, shall be satisfied that the provisions of this section have been wilfully violated it shall be his duty to forthwith inform the prosecuting attorney of any such violation, together with all the facts within his knowledge and the prosecuting attorney shall thereupon investigate the charges so preferred, and if he is satisfied that the provisions of this section have been violated, it shall be his duty to prosecute the persons guilty thereof.

Sec. 35. Must not use false weights.—Any person or persons having or using any scale or scales for the purpose of weighing the output of coal at mines must not arrange or construct them so that fraudulent weighing may be done thereby, and must not knowingly resort to or employ any means whatsoever by reason of which such coal is not correctly weighed and reported in accordance with the provisions of this act.

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Gen. Code, 1921, Throckmorton, ch. 32, p. 1534.

Sec. 6403 (a1875). Standards, those furnished by United States Government; metric system.—The standard weights and measures furnished this State by the Secretary of the Treasury of the United States under a resolution of Congress, approved June 14, 1836, shall be the legal standard of weights and measures throughout the State. This chapter shall not prevent the use of the weights and measures of the metric system, authorized by Congress of the United States, as it appears in the Revised Statutes of the United States.

Sec. 6404°. By what standard contracts construed.—Contracts for work to be done, or for anything to be sold by weight or measure, shall be construed according to the standards hereby adopted as the standards of this State.

Sec. 6405 (1861). Yard, the standard measure of length and surface.—The unit of standard measure of length and surface, from which all other measures of extension, whether lineal, superficial or solid, shall be derived and ascertained, is the standard yard, in possession of the Secretary of State, and furnished by the Government of the United States. The yard shall be divided into three equal parts, called feet, and each foot into twelve equal parts, called inches. For the measure of cloths and other commodities commonly sold by the yard, it may be divided into halves, quarters, eighths and sixteenths.

Sec. 6406°. Contents of a rod, pole, perch, mile, or chain; links.—The rod, pole or perch shall contain five and a half such yards, and the mile, one thousand seven hundred and sixty such yards. The chain for measuring land shall be twenty-two yards long, and be divided into one hundred equal parts, called links.

Sec. 6407°. Acre.—The acre for land measure shall be measured horizontally, and contain ten square chains, and be equivalent in area to a rectangle sixteen rods in length and ten rods in breadth. Six hundred and forty acres shall be contained in a square mile.

Sec. 6408°. Perch of mason work or stone.—The perch of mason work or stone shall consist of twenty-five cubic feet.

Sec. 6409 (1869). Cord of firewood or tanbark.—The standard measure of a cord of firewood or tanbark shall be one hundred and twenty-eight cubic feet, well stowed and packed.

Sec. 6410°. Standard weights.—The units or standards of weight from which all other weights shall be derived and ascertained shall be the standard avoirdupois and troy weights furnished this State by the United States Government.

Sec. 6411 (1861). Pound and its subdivisions; ton.—The avoirdupois pound, which bears to the troy pound the ratio or seven thousand to five thousand seven hundred and sixty, shall be divided into sixteen equal parts called ounces. The hundredweight except of pig-

iron and iron ore, shall consist of one hundred avoirdupois pounds, and twenty hundredweight shall constitute a ton. The troy ounce shall be equal to the twelfth part of a troy pound.

Sec. 6412°. Gallon.—The unit or standard measure of capacity for liquids, from which all other measures of liquids shall be derived and ascertained, shall be the standard gallon, and its parts, furnished this State by the Government of the United States.

Sec. 6413 (a1896). Barrel and hogshead, and branding thereof.—The barrel shall contain thirty-one and one-half gallons, and two barrels shall constitute a hogshead. Barrels,[1] for the purpose of containing apples, potatoes, onions or other fruit, produce or vegetables, shall be made of staves of seasoned timber, twenty-eight and one-half inches in length with cut heads of seventeen and one-eighth inches in diameter and shall measure at the bulge not less than sixty-six inches in circumference, outside measure. Such barrel shall be known as "the standard barrel," and on the outside of one or more of the staves thereof shall be stamped or branded the words "State of Ohio, standard," the name of the cooper or manufacturer thereof and the name of the city or town nearest to which the cooper shop or place of business of such manufacturer is located.

Sec. 6414°. Half bushel.—The unit or standard measure of capacity for substances other than liquids, from which all other measures of such substances shall be derived and ascertained, shall be the standard half-bushel measure furnished this State by the Government of the United States, the interior diameter of which is thirteen inches and thirty-nine-fortieths of an inch, and the depth is seven inches and one-twenty-fourth of an inch.

Sec. 6415 (a1913). Dimensions and contents of measures for commodities other than liquid.—The peck, half-peck, quarter-peck, quart and pint measures for measuring commodities other than liquids, shall be of the interior dimensions and capacities as follows, to wit: the peck measure shall be eleven inches in interior diameter, five and five-eighths inches in interior depth, and shall contain five hundred thirty-seven and six-tenths cubic inches; the half-peck measure shall be eight and one-half inches in interior diameter, four and three-quarter inches in interior depth, and shall contain two hundred sixty-eight and eight-tenths cubic inches; the quarter-peck measures shall be six and five-eighths inches in interior diameter, three and seven-eighths inches in interior depth, and shall contain one hundred thirty-four and four-tenths cubic inches; the quart measure shall be five and five-sixteenths inches in interior diameter, three inches in interior depth, and shall contain sixty-seven and two-tenths cubic inches; the pint measure shall be four and one-half inches in interior diameter, two and nine-twenty-fifths inches in interior depth, and shall contain thirty-three and six-tenths cubic inches.

Sec. 6416 (1861). Heaped measures.—Articles usually sold by heaped measure shall be heaped in a conical form as high as such articles permit.

Sec. 6417. How dry commodities measured.—Measures for measuring dry commodities not usually heaped shall be struck with a straight stick, with the edges rounded. Commodities other than liquids, when sold by the gallon or less, shall be sold by the dry measure.

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[1] See footnote, p. 20, relative to the Federal standard barrel.

Sec. 6418 (a1913). Standard weight of bushel; penalty.—A bushel, in avoirdupois weight, of every article herein mentioned shall be, viz:[2]

	Pounds		Pounds
Wheat	60	Carrots	50
Indian corn, in the ear	68	Hominy	60
Indian corn, shelled	56	Malt	34
Corn meal	48	Apples	48
Popcorn, in the ear	42	Dried apples	24
Sweet corn, shelled	45	Peaches	48
Kaffir corn	56	Dried peaches	33
Broom corn	45	Grapes	48
Oats	32	Plums	50
Rye	56	Clover seed	60
Barley	48	Timothy seed	45
Buckwheat	50	Millet seed	50
Irish potatoes	60	Hungarian grass seed	50
Sweet potatoes	50	Flax seed	56
Beans	60	Sorghum seed	50
Peas	60	Hempseed	44
Onions	56	Domestic walnuts	50
Onion sets	28	Hickory nuts	50
Tomatoes	56	Lime	70
Turnips	60	Coke	40
Parsnips	50	Bituminous coal	80
Beets	56	Cannel coal	70

Unless otherwise agreed to, all of the above mentioned articles shall when dealt in by the bushel, be bought and sold upon such actual bulk weight, and no test for moisture shall be used to change the standards herein provided. The prosecuting attorney of each county shall enforce the provisions of this act. Any person, firm, company, corporation, agent or employe violating any of the provisions of this section shall be deemed guilty of misdemeanor, and upon conviction shall be fined not more than one hundred dollars, or imprisoned in the county jail (if a company or corporation, its president) not more than six months, or both.

Sec. 6419 (a1875). Bushel for measuring stone coal and lime.—The standard bushel of stone coal, coke and unslacked lime, shall contain twenty-six hundred and eighty-eight cubic inches; and the measure for measuring such articles shall contain two bushels, and be of the following interior dimensions: Twenty-four inches diameter at the top, twenty inches at the bottom, and fourteen and one-tenth inches deep.

Sec. 6420 (a1875). When coal sold by weight; when by measurement.—Sales of coal shall be by weight; and two thousand pounds avoirdupois shall constitute a ton thereof; but where coal can not be weighed, it may be sold by measurement.

Sec. 6421 (1875). Selling coal in violation of provisions.—Whoever sells stone coal in violation of this chapter shall be liable to the person to whom such coal is sold and delivered in treble damages. If the defendant in such action does not reside in the county where the mine is located, service may be had upon him by leaving a copy of the summons at his place of business. A judgment recovered in such action shall be a lien upon all property of such defendant in the county from the day of service. This section shall not apply to a person or corporation mining or selling less than fifteen thousand bushels of coal annually.

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[2] A slight change has been made in the arrangement for convenience of reference.

Sec. 6422 (1885). Standard of measurement for bushel of charcoal.—The standard of measurement for a bushel of charcoal shall be twenty-seven hundred and forty-eight cubic inches.

Sec. 6422–1 (1919). Climax baskets for grapes and other fruits and vegetables, standard sizes and dimensions.—That standards for Climax baskets for grapes and other fruits and vegetables shall be the two-quart basket, four-quart basket and twelve-quart basket respectively:

(*a*) The standard two-quart Climax basket shall be of the following dimensions: Length of bottom piece, nine and one-half inches; width of bottom piece, three and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, three and seven-eighths inches, outside measurement; top of basket, length eleven inches and width five inches outside measurement. Basket to have a cover of five by eleven inches, when a cover is used.

(*b*) The standard four-quart Climax basket shall be of the following dimensions: Length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenths inches, outside measurement; top of basket, length fourteen inches, width six and one-fourth inches, outside measurement. Basket to have cover six and one-fourth inches by fourteen inches, when cover is used.

(*c*) The standard twelve-quart Climax basket shall be of the following dimensions: Length of bottom piece, sixteen inches; width of bottom piece, six and one-half inches; thickness of bottom piece, seven-sixteenths of an inch; height of basket, seven and one-sixteenth inches, outside measurement; top of basket, length nineteen inches, width nine inches, outside measurement. Basket to have cover nine inches by nineteen inches, when cover is used.

Sec. 6422–2. Standard basket for small fruits, berries and vegetables, capacities and dimensions.—That standard basket or other container for small fruits, berries and vegetables shall be of the following capacities: namely, dry one-half pint, dry pint, dry quart, or multiples of the dry quart.

(*a*) The dry half-pint shall contain sixteen and eight-tenths cubic inches.

(*b*) The dry pint shall contain thirty-three and six-tenths cubic inches.

(*c*) The dry quart shall contain sixty-seven and two-tenths cubic inches.

The dimensions of the one-quart box used in the sale of berries or other small fruits shall be as follows: Five and one-tenth inches square on top, four and three-tenths inches square on the bottom and three inches in depth.

Sec. 6422–3. Standard hampers for fruits and vegetables, capacities and dimensions.—That the standard hampers for fruits and vegetables shall be the one peck hamper, one-half bushel hamper, one bushel hamper and one and one-half bushel hamper respectively.

(*a*) The standard one peck hamper shall contain five hundred thirty-seven and six-tenths cubic inches, and conform to the following specifications: The inside diameter between staves at upper edge of the top inside hoop shall be ten and three-eighths inches; the inside diameter of the bottom shall be six and one-half inches; the inside

length of the staves shall be nine and five-eighths inches; the inside top hoop shall be one-tenth inch thick and set with its upper edge even with the upper ends of the staves; there shall be ten staves, each not less than one-tenth inch thick and ten and one-eighth inches long; and the bottom piece shall be one-half inch thick.

(*b*) The standard one-half bushel hamper shall contain one thousand, seventy-five and twenty-one one-hundredths cubic inches, and conform to the following specifications: The inside diameter between staves at upper edge of the top inside hoop shall be thirteen inches; the inside diameter of the bottom shall be eight inches; the inside length of staves shall be twelve and one-half inches; the inside top hoop shall be one-ninth of an inch thick and set with its upper edge even with the upper ends of the staves; there shall be ten staves, each not less than one-tenth of an inch thick and thirteen and one-eighth inches long; and the bottom piece shall be five-eighths of an inch thick.

(*c*) The standard one bushel hamper shall contain two thousand, one hundred fifty and forty-two one-hundredths cubic inches, and conform to the following specifications: The inside diameter between staves at upper edge of the top inside hoop shall be fifteen and one-eighth inches; the inside diameter of the bottom shall be nine inches; the inside length of the staves to the upper edge of the top inside hoop shall be nineteen inches; the inside top hoop shall be one-eighth of an inch thick and set with its upper edge three-eighths of an inch below the upper ends of the staves; there shall be either ten or twelve staves, each not less than one-eighth of an inch thick and twenty inches long; and the bottom piece shall be five-eighths of an inch thick.

(*d*) The standard one and one-half bushel hamper shall contain three thousand, two hundred twenty-five and sixty-three one-hundredths cubic inches, and conform to either of the following specifications:

(1) The inside diameter between staves at upper edge of the top inside hoop shall be sixteen and one-fourth inches; the inside diameter of the bottom shall be nine inches; the inside length of the staves to the upper edge of the top inside hoop shall be twenty-five and thirteen-sixteenths inches; the inside top hoop shall be one-eighth of an inch thick and set with its upper edge three-eighths of an inch below the upper ends of the staves; there shall be ten staves, each not less than one-sixth of an inch thick and twenty-seven inches long; and the bottom piece shall be five-eighths of an inch thick.

(2) The inside diameter between staves at upper edge of the top inside hoop shall be sixteen and three-fourths inches; the inside diameter of the bottom shall be ten inches; the inside length of the staves to the upper edge of the top inside hoop shall be twenty-three inches; the inside top hoop shall be one-eighth of an inch thick and set with its upper edge three-eighths of an inch below the upper ends of the staves; there shall be ten staves, each not less than one-eighth of an inch thick and twenty-four inches long, and the bottom piece shall be five-eighths of an inch thick.

Sec. 6422–4. Standard round stave baskets for fruits and vegetables, capacities and dimensions.—That the standard round stave baskets for fruits and vegetables shall be one-half bushel basket, one bushel

basket, one and one-half bushel basket and two bushel basket respectively.

(*a*) The one-half bushel round stave basket shall contain one thousand seventy-five and twenty one-hundredths cubic inches, and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be thirteen and one-half inches; the average inside depth shall be not less than eight and one-half inches; the web shall consist of twenty intersecting staves, each not less than one-eighteenth of an inch thick and of such length that they will form the sides and bottom of a basket which shall contain sixteen quarts, standard dry measure.

(*b*) The one bushel round stave basket shall contain two thousand, one hundred fifty and forty-two one-hundredths cubic inches, and conform to the following specifications: The inside diameter at upper inner edges of the top inside hoop shall be seventeen inches; the average inside depth shall be not less than ten and three-fourths inches; the web shall consist of twenty intersecting staves, each not less than one-eighteenth of an inch thick and of such length that they will form the sides and bottom of a basket which shall contain thirty-two quarts standard dry measure.

(*c*) The one and one-half bushel round stave basket shall contain three thousand, two hundred and twenty-five and sixty-three one-hundredths cubic inches, and conform to the following specifications: The inside diameter at upper inner edge of the top inside hoop shall be nineteen inches; the average inside depth shall be not less than twelve and three-fourths inches; the web shall consist of twenty-four intersecting staves, each not less than one-sixteenth of an inch thick and of such length that they will form the sides and bottom of a basket which shall contain forty-eight quarts standard dry measure.

(*d*) The two bushel round stave basket shall contain four thousand, three hundred, and eighty-four one-hundredths cubic inches, and conform to the following specifications: The inside diameter at upper inner edge of the top inside hoop shall be twenty and three-fourths inches; the average inside depth shall be not less than thirteen and three-fourths inches; the web shall consist of twenty-four intersecting staves, each not less than one-sixteenth of an inch thick and of such length that they will form the sides and bottom of a basket which shall contain sixty-four quarts, standard dry measure.

Sec. 6422–5. Unlawful to ship or deliver for shipment baskets or hampers in violation of this act; how filled; penalty.—That it shall be unlawful to ship or deliver for shipment within the State of Ohio, Climax baskets, small fruit baskets, hampers, or round stave baskets, for fruits or vegetables, either filled or unfilled or parts of such Climax baskets, small fruit baskets, hampers or round stave baskets, that do not comply with this act; or fruits or vegetables in Climax baskets, small fruit baskets, hampers or round stave baskets, that at the time of such shipment, delivery for shipment, or offer for sale, are not filled to the full capacity thereof, stricken measure. Any individual, partnership, association or corporation, that wilfully violates this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine

of not exceeding $100.00 or imprisonment not exceeding sixty days or both.

Sec. 6422–6. Rules and regulations; inspection of baskets and authority of agents in connection therewith.—That the secretary of agriculture is authorized to prescribe such regulations as he may find necessary for carrying into effect the provisions of this act, and to cause such examinations and tests to be made as may be necessary in order to determine whether Climax baskets, small fruit baskets, hampers and round stave baskets or parts thereof subject to this act, meet its requirements. For said purpose the authorized officers and agents of the secretary of agriculture may visit factories, stock rooms, and other places of business where such hampers or baskets or parts thereof are manufactured or held for sale or shipment or offered for sale, may enter cars, vessels, other vehicles and places under the control of carriers engaged in the transportation of such hampers or baskets or parts thereof, and may take samples of such hampers or baskets or parts, the cost of which samples, upon request, shall be paid to the person entitled thereto.

Sec. 6422–7. Enforcement of act; rules and regualtions prescribed and tolerances allowed to conform to United States requirements.—It shall be the duty of the secretary of agriculture to enforce all the provisions of this act, and to prescribe such rules and regulations not otherwise herein provided, as he may deem necessary, for the efficient execution of the provisions of the same, including the amount of tolerance necessary in the enforcement of this act, because of the impossibility of perfect scientific exactitude in the manufacture of such Climax baskets, small fruit baskets, hampers and round stave baskets; and which regulations and tolerances shall be in conformity with those from time to time promulgated by the United States Department of Agriculture.

Sec. 6422–8. Baskets of different form but same capacity may be permitted, when.—The secretary of agriculture for good and sufficient reasons may permit the use of Climax baskets, small fruit baskets, hampers and round stave baskets of a different form from the baskets prescribed in this act but of the same capacity.

Sec. 6422–9. Dealer shall not be prosecuted when protected by guaranty.—That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the manufacturer, wholesaler, jobber, or other party residing within the United States from whom such Climax basket, baskets, or other containers as defined in this act, were purchased, to the effect that said Climax basket, baskets, or other containers are correct within the meaning of this act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of Climax basket, baskets, or other containers, hampers or round stave baskets, to such dealer, and in such case said guarantor shall be amenable to the prosecutions, fines and other penalties which would attach in due course to the dealer under the provisions of this act.

Gen. Code, 1921, Throckmorton, ch. 11, p. 1777.

Sec. 7965 (a1917). State sealer; standards shall be kept at Columbus and comparisons made every three years; copies of standards shall be procured by county and municipal officials; proving and sealing weights

and measures.—The secretary of agriculture shall be State sealer, and shall make, promulgate and enforce such rules and regulations as may be necessary to the prompt and effective enforcement of the weights and measures laws of this State. The standards of weights and measures adopted by the State shall be deposited in a suitable room at Columbus, and be kept in suitable cases, to be opened only for the purpose of comparing them with such standards and copies which by law are furnished for the use of the several counties or villages unless by joint resolution of the general assembly, or upon a call of either house for information, or by order of the governor for scientific purposes. The secretary of agriculture shall, upon the passage of this act, and once every three years thereafter, require each county auditor and city or village sealer, in this State, to present all standards of weights and measures in their possession to him for comparison with the standards adopted by the State, and he shall condemn and destroy all of such standards as do not conform with the standards adopted by the State. Each county auditor and each city and village sealer shall be required to procure copies of all the original standards adopted by the State named in section 7966 of the General Code, except such standards now in their possession as the secretary of agriculture shall find to conform with the standards adopted by the State. It shall be the duty of the secretary of agriculture to advise and assist all county, city and village sealers, and generally be charged with the enforcement of all laws relating to weights and measures; and in the performance of such duties it [he] may use the services of any person employed under its department. The secretary of agriculture or any person employed by him for that purpose may try and prove any weights, measures, balance and any other weighing or measuring device or [on] request from any person, and when the same are found or made to conform to the State standards shall cause the same to be sealed and marked, as provided in section 2616 of the General Code.

Sec. 7965-1. When weight or measure condemned and confiscated.—The secretary of agriculture or his deputy, or any other duly authorized sealer of weights and measures or his deputy, may inspect and test any weight, measure, balance or other weighing or measuring device, wherever the same is used or maintained for use, and if such weight, measure, balance or other weighing or measuring device is found to be false or fraudulent, or can not be made to conform to the legal standard the same shall be condemned and confiscated by the said sealer or deputy sealer.

Sec. 7965-2 (a1917). Approving or condemning weights or measures upon examination.—The secretary of agriculture or any duly authorized sealer of weights and measures or his deputy, shall inspect and test any weights and measures, balances and weighing or measuring devices having a device for indicating or registering the price as well as the weight or quantity of commodities both as to correctness of weight or quantity and value indicated by them, the secretary or any sealer of weights and measures or his deputy shall seal such weights and measures, or balances and weighing and measuring devices as shall be tested and found correct, and, after ten days' notice, in writing, to the owner shall condemn or seize such as are found to be incorrect, and shall seal such weights and measures, balances,

weighing and measuring devices having a device for indicating or registering the price as well as the weight or quantity of commodities only when correct, both in indications of weight or quantity and value, and shall condemn or seize such in which the graduations or indications are found to be false or inaccurately placed, either as to weight or quantity or value.

Sec. 7966 (1861). Copies of standards for use of counties.—Copies of the original standards of the following materials, shall be procured by the State sealer for the use of each county in this State, not already furnished, in pursuance of law, and be delivered by him to the auditor thereof: One-half bushel measure, of one-eighth inch copper, with brass rim; one gallon measure, of one-sixteenth inch copper, with brass rim and handle; one-half gallon, one quart, one pint and one-half pint measure, to be made in the same manner and of the same material; fifty, twenty-five, twenty, ten, five, four, three, two, and one pound weights, avoirdupois, to be made of castiron, turned, polished, and trimmed; and one-half pound, one quarter pound, two ounce, one ounce, half ounce, and quarter ounce weights, troy, to be made of brass; one brass yard measure, graduated into feet, inches and tenths.

Sec. 7967. Device on county standards.—The State sealer shall cause to be impressed on each of the copies, so to be delivered to the counties, the letter "O," and such other device for each county as he directs before its deposit in the county auditor's office. Such device shall be recorded in the State sealer's office, and a copy thereof furnished to the auditor of the proper county.

Sec. 7968. Like copies to be furnished to cities and villages.—The State sealer shall furnish like copies of the original standards to the sealer of any city or village upon application therefor, and payment of the cost thereof, by such city or village.

Sec. 7969. Expenses.—The State sealer shall render accounts to the auditor of State of all moneys by him paid or liabilities incurred in procuring and delivering copies of the standards to the counties; and the auditor shall audit such accounts and draw his warrants on the State treasurer for the amounts he finds due, which must be paid by the treasurer out of any moneys to the credit of the general revenue fund.

Sec. 7970 (a1891). Inspection of gas and meters.—The State sealer of weights and measures shall have charge of all the apparatus and property, belonging to the State, intended for the inspection of illuminating gas and gas meters, and the testing of the registration of meter-provers; he shall test the registration of all meter-provers that may be presented to him for that purpose, and stamp and seal all such meter-provers, so tested, that are found correct. For testing the registration of gas meter-provers, to be paid by the persons requiring such service, he shall be allowed the sum of five dollars for each meter-prover tested.

Gen. Code, 1921, Throckmorton, ch. 3, p. 733.

Sec. 2615 (a1910). County sealer.—By virtue of his office, the county auditor shall be county sealer of weights and measures and shall be responsible for the preservation of the copies of the original standards delivered to his office. It shall be the duty of the county auditor to see that all State laws relating to weights and measures

be strictly enforced throughout his county and to assist generally in the prosecution of all violations of such laws.

Sec. 2616 (a1917). Comparison by county sealer; stamp; penalty, jurisdiction.—The county sealer shall compare all weights and measures, brought to him for that purpose, with the copies of standards in his possession. When they are made to confirm [conform] to the legal standards, the officer comparing them shall seal and mark such weights and measures. No weight, measure, balance or other weighing or measuring device shall be used or maintained for weighing and measuring in this State unless such weight, measure, balance or other weighing or measuring device has been sealed or marked by the secretary of agriculture or any employe of the secretary detailed for that purpose, or by the county sealer [3] of the city or village in which the same is used or maintained, and by stamping upon each the letter "O" and the last two figures of the year in which it has been compared with legal standards, adjusted and found or made to conform to said standards, with seals so provided by said secretary of agriculture, for that purpose. Whoever violates any of the provisions of this section shall be fined not less than fifty dollars nor more than one hundred dollars for the first offense and for each subsequent offense shall be fined not less than one hundred dollars, nor more than five hundred dollars and imprisoned for not more than ninety days or both. A justice of the peace, police judge, or mayor shall have jurisdiction in such cases as in cases of violation of law relating to the adulteration of food and drink and dairy products.

Sec. 2617 (1861). County sealer shall deliver copies to successor.—When a county sealer resigns, is removed from office, or removes from the county, he shall deliver to his successor in office the standards, beams, weights, and measures in his possession. In case of the death of a county sealer his representatives shall, in like manner, deliver to his successor in office such beams, weights, and measures.

Sec. 2618. Penalty for refusal.—In case of neglect or refusal to deliver such standards entire and complete, the successor in office may maintain a civil action against the person so refusing or neglecting, and recover double the value of such standards as have not been delivered, with costs of suit, which shall be by him appropriated to the purchase of such standards as are required in his office.

Sec. 2619. Surveyors' chains, and testimony.—No surveyor shall give evidence in a cause pending in any of the courts of this State, or before arbitrators, in any of the courts of this State, or before arbitrators,[4] respecting the survey or admeasurement of any lands, unless such surveyor makes oath, if required, that the chain or measure used by him was conformable to the standards of this State.

Sec. 2620. Penalty for using false weights and measures.—If any person hereafter uses any weights, measures, or beams, in weighing or measuring, which do not conform to the standards of the State, or any other measures established by law, whereby a dealer in, purchaser, or seller of, any commodity or article of traffic is injured or defrauded, such dealer, purchaser, or seller, may maintain a civil action against the offender, and if judgment is rendered him, he shall receive double damages and costs of suit.

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[3] It would appear that the words "or by the sealer" were inadvertently omitted here when this section was revised in 1917.

[4] The words "in any of the courts of this State, or before arbitrators," appear to be repeated inadvertently.

Sec. 2621. When not to be enforced.—The provisions of the preceding two sections shall not be enforced in any county, unless it has been furnished with copies of the standards of this State, at least six months previous to such measuring or surveying.

Sec. 2622 (a1911). Deputy sealer of weights and measures; salary; duties.—Each county sealer of weights and measures shall appoint by writing under his hand and seal, a deputy who shall compare weights and measures wherever the same are used or maintained for use within his county, or which are brought to the office of the county sealer for that purpose, with the copies of the original standards in the possession of the county sealer, who shall receive a salary fixed by the county commissioners, to be paid by the county, which salary shall be instead of all fees or charges otherwise allowed by law. Such deputy shall also be employed by the county sealer to assist in the prosecution of all violations of laws relating to weights and measures.

Sec. 2623 (1861). Fees.—Each sealer may receive for his services, the following fees: For sealing and marking every beam, ten cents; for sealing and marking measures of extension, at the rate of ten cents per yard, not exceeding twenty-five cents for any one measure; for sealing and marking each weight, five cents; for sealing and marking liquid or dry measures, if of one gallon or more, ten cents, and if less than one gallon, five cents; and a reasonable compensation for marking such weights and measures, so as to conform to the standards.

Gen. Code, 1921, Throckmorton, ch. 7, p. 1118.

Sec. 4318 (a1908). Sealer of weights and measures; cities and villages; appointment and term.—The mayor may appoint a sealer of weights and measures, who shall hold office co-extensive with the term of office of the mayor who made his appointment, and until his successor is appointed and qualified, unless otherwise removed from office.

Sec. 4319. Qualification and compensation.—The sealer of weights and measures shall be a competent person for the position, and shall receive a salary fixed by ordinance, to be paid by the corporation, which salary shall be instead of all fees or charges otherwise allowed by law or ordinance.

Sec. 4320. Oath and bond.—Before entering upon his duties, the sealer of weights and measures shall take the oath of office required by law, and give bond to the corporation in such amount as is prescribed by ordinance, with security to the approval of the mayor, and conditioned for the faithful performance of his duties.

Sec. 4321. Comparison with county standards.—At least once in three years, the sealer of weights and measures shall compare the copy of standards, in his possession with those in the office of the county sealer.

Sec. 4322 (a1911). Comparison and sealing of weights and measures; weighing and measuring devices, etc.; may be seized, when.—The sealer of weights and measures shall compare all weights and measures, balances, weighing and measuring devices used in the purchase and sale of commodities with the copies in his possession. Any weights and measures, balances and weighing and measuring devices having a device for indicating or registering the price as well as the

weight or quantity of commodities shall be tested by him both as to correctness of weight or quantity and value indicated by them; such sealer shall seal such weights and measures, balances and weighing and measuring devices as shall be tested and found correct, and, after ten days' notice in writing to the owner, shall condemn or seize such as are found to be incorrect, and shall seal such weights and measures, balances, weighing and measuring devices having a device for indicating or registering the price as well as the weight or quantity of commodities only when correct both in indications of weight or quantity and value, and shall condemn or seize such in which the graduations or indications are found to be false or inaccurately placed either as to weight or quantity or value.

Laws, 1921, p. 604.

Sec. 16. Bread sold by weight; units specified; statements on loaf or wrapper, required.—Bread shall not be sold or offered or exposed for sale otherwise than by weight and shall be manufactured for sale and sold only in units of sixteen or twenty-four ounces, or multiples of one pound. When multiple loaves are baked each unit of the loaf shall conform to the weight required by this section. The weights herein specified shall be construed to mean net weights twelve hours after baking and to be determined by the average weight of at least twenty-five loaves. Such unit weights shall not apply to rolls and such bread as shall be defined as fancy bread by the secretary of agriculture. Every loaf of bread manufactured for sale, sold, offered or exposed for sale shall have affixed thereon a plain statement in plain position of the weight of the loaf of bread, the business name of the maker, baker, or manufacturer. In the case of wrapped bread such information shall be stated on the wrapper of each loaf and in the case of unwrapped bread shall be stated by means of a pan impression or other mechanical means or shall be stated on a label using plain legible type. Such label affixed to an unwrapped loaf shall not be affixed in any manner or with any gums or pastes which are unsanitary and unwholesome, and there shall not be more than one label of [on] a loaf or a unit.

Sec. 17. Rules and regulations for enforcement of provisions of law; notice before prosecution.—The secretary of agriculture shall prescribe such rules and regulations as may be necessary to enforce the preceding section, including reasonable tolerances or variations within which all weights shall be kept: *Provided, however*, That such tolerances or variations shall not exceed one ounce per pound over or under the standard unit for single loaves: *Provided, however*, That tolerance permitted in the weighing of twenty-five or more loaves shall not exceed one-half ounce per pound. The said secretary, and under his direction, the local sealers of weights and measures, shall cause the provisions of this section to be enforced. Before any prosecution is begun under this section the parties against whom complaint is made shall be notified and be given an opportunity to be heard by said secretary.

Sec. 22. Penalty for violation.—A violation of any provision of this act or any rule or regulation adopted herein, shall, for the first offense, be fined not less than $25.00 nor more than $100.00, and for each subsequent offense not less than $100.00 nor more than $300.00.

Gen. Code, 1921, Throckmorton, ch. 16, p. 2951.

Sec. 13106, as amended by Laws, 1923, p. 121. Penalty for giving false or short weight.—Whoever, in buying or selling any property, or directing or permitting an employee so to do, makes or gives a false or short weight or measure; or whoever has charge of scales or steel yards fixed for the purpose of misweighing an article bought or sold, or, having scales or steel yards for the purpose of weighing property, reports a false or untrue weight; or whoever uses in the sale of a commodity a computing scale or device indicating the weight and price of such commodity upon which scale or device the graduations or indications are false, or inaccurately placed, either as to weight or price, shall be fined not more than five hundred dollars.

Sec. 13107 (a1877). Selling stone coal by unlawful weights or measures.—Whoever sells and delivers stone-coal except at legal weights and measures, shall be fined not less than five dollars nor more than fifty dollars or imprisoned not less than five days nor more than thirty days.

Sec. 13109. Miller, grain dealer, etc., must use standard half bushel.—Whoever, being a commission merchant, miller, dealer, grain inspector, corporation, firm, association or person, or an officer, agent or employe thereof purchasing or receiving wheat in barter or exchange for flour, or otherwise, from the original producer, his agent or employe, for testing or determining the weight, grade, milling or market value thereof, uses a measure other than the standard half-bushel or uses a measure that is a fractional part of such standard half-bushel, furnished this State by the United States, shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned in jail not more than thirty days, or both. Fines collected under this section shall be paid into the county treasury to the credit of the county fund.

Sec. 13128 (a1919). Commodities sold by weight or count, quantity of contents to be marked; tolerances and exemptions; repacking, or transferring brands or marks; net weight required; separate charge for wrapper may be made; penalty.—Whoever puts up or packs goods or articles sold by weight or count into a sack, bag, barrel, case or package, or whoever puts up or fills a bottle, barrel, keg, drum, can or other container with any commodity sold or offered for sale by liquid measure, shall mark thereon in plain letters and figures the exact quantity of the contents thereof in terms of weight, measure or numerical count; provided, however, that reasonable tolerances and variations and also exemptions as to small packages shall be established by rules made by the secretary of agriculture and shall conform to those of the federal law, and provided, further, that this act shall not apply to such packages or containers, weighed, put up, packed or filled in the presence of the customer.

Whoever, with intent to defraud, transfers a brand, mark or stamp placed upon a case or package by a manufacturer to another case or package, or with like intent, repacks a case or package so marked, branded or stamped, with goods or articles of quality inferior to those of such manufacturer shall be deemed guilty of a violation of this section.

Any article or commodity packed and sold by weight shall be sold by net weight only, and no wood, paper, burlap, cord, paraffin or

other substance used for wrapping or packing, shall be included as a part of the weight of such commodity sold.

Provided, however, That nothing in this section shall prohibit making a reasonable separate charge for any wrapper or container used in packing or preparing such article or commodity for sale, if such be agreed to by the purchasers of such article or commodity at time of sale. Any person, firm, company, corporation or agent, who fails to comply with any provision of this act, shall be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00).

Sec. 13165 (1893). Labeling of binding twine.—Whoever, being a dealer, manufacturing corporation, company or agent, sells or offers for sale a ball or parcel of binding twine, commonly employed in binding grain, without there is attached thereto a tab or label on which is written or printed the kind of material of which it is composed and the weight of such ball or parcel, shall be fined not less than one dollar nor more than twenty-five dollars.

Gen. Code, 1921, Throckmorton, ch. 1, p. 2995.

Sec. 13423 (a1913). Special jurisdiction of justices, police judges and mayors.—Justices of the peace, police judges and mayors of cities and villages shall have jurisdiction, within their respective counties, in all cases of violation of any law relating to:

1. Adulteration or deception in the sale of dairy products and other food, drink, drugs, and medicines.

15. The prevention of short weighing and measuring and all violations of the weights and measures laws.

Gen. Code, 1921, Throckmorton, ch. 1, p. 946.

Sec. 3616 (a1908). Powers of municipal corporations.—All municipal corporations[5] shall have the general powers mentioned in this chapter, and council may provide by ordinance or resolution for the exercise and enforcement of them.

Sec. 3651 (a1908). To seize false weights, etc.—To regulate the weighing and measuring of hay, wood and coal, and other articles exposed for sale, and to provide for the seizure, forfeiture and destruction of weights and measures, implements and appliances for measuring and weighing which are imperfect or liable to indicate false or inaccurate weight or measure, or which do not conform to the standards established by law and which are known, used or kept to be used for weighing or measuring articles to be purchased, sold or offered or exposed for sale.

Gen. Code, 1921, Throckmorton, ch. 2, p. 1046.

Sec. 3988. Council may provide for electric current and gas inspection.—In a municipality in which gas works are constructed, council may provide, by ordinance, for the appointment of an officer, to be known as inspector of gas, whose duty it shall be to inspect all gas and gas meters, and certify the correctness of all bills against consumers of gas, make photometric tests, and perform such other duties as may be prescribed by ordinance, and the council shall fix

[5] Municipal coporations which at the last Federal census had a population of five thousand or more are called cities, and those which had a population of less than five thousand are called villages.

his compensation. Council may also provide for the inspection and testing of meters used for measuring electric current for electric light, power or other purposes, furnished by any individual or company within the corporation, and may prescribe a suitable charge for such inspection and testing, and the manner of collecting it.

Gen. Code, 1921, Throckmorton, ch. 1, p. 1405.

Sec. 5785 (a1919). What is misbranding of food, etc.—Food, drink, flavoring extracts, confectionery or condiment shall be misbranded within the meaning of this chapter: * * *

3. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package; * * *

Gen. Code, 1921, Throckmorton, ch. 14, p. 1449.

Sec. 5993 (1857). Penalty for undermarking tare on barrels of flour, etc.—A manufacturer of flour or meal, or packer of meat, butter, lard or other packed article sold by weight, undermarking the tare upon a hogshead, cask, box or barrel, or part thereof, or placing thereon a less quantity than that marked or branded thereon as specified by law, shall forfeit the hogshead, cask, box or barrel, or part thereof, and half the contents thereof. One-fourth of such entire contents shall go to the party injured, prosecuting the case, with such other damages as he may sustain, and the other fourth to the use of the poor of the township where the conviction is had. The residue shall be accounted for to such manufacturer or packer, who shall be notified by such inspector. Such forfeiture shall not take place, nor conviction be had, when the light weight was occasioned after leaving such manufacturer or packer, if such packing was done according to law.

Sec. 5998 (1830–31). Flour barrel, size of; weight and tare of barrel of flour to be marked thereon.—Flour and meal shall be packed in well-made barrels of seasoned timber, twenty-seven inches in length, when finished, with a cut head of seventeen and one-half inches, tightly bound, with ten smart hoops or six flat hoops two inches broad, secured with four nails in each end hoop, and three nails in each outward bilge hoop. Such barrel shall contain one hundred and ninety-six pounds of flour or meal, and the tare thereof shall be marked on the head of such barrel by the miller, with a marking iron. The weight of the flour or meal shall be branded on the barrel with a branding iron, to be provided by him for that purpose. * * *

Sec. 5999 (a1891). Weight of flour to be branded on barrel or sack; penalty.—A miller or mill owner shall brand or cause to be branded on the head of each barrel or side of each sack the weight and quality of the flour or meal contained therein, and the initial letter of his Christian name and his surname in full; or if the mill is owned or operated by more than one person, then the name of such persons or such company. If a miller, mill owner or company neglects to so brand such flour or meal, or packs or exposes it for sale in a barrel or sack of a less quantity or poorer quality than is branded thereon, he or they shall forfeit and pay for each offense ten dollars for the use of the county, and be liable to the person injured in double the amount of damages sustained.

Sec. 6002 (1830–31). Regulation barrels for beef or pork.—Barrels for beef or pork shall be made of sound, well-seasoned white oak timber, clear of sap wood, twenty-nine inches in length, with a cut head of seventeen and a half inches in diameter, bound with strong hoops, one-third of the length thereof, at each end. When packed and headed up, the outward hoop on each end shall be secured with four nails of suitable size.

Sec. 6003. Regulation half barrels for beef or pork.—Half barrels for beef or pork shall be made of sound, well seasoned white oak timber, clear of sap, twenty-four inches in length, with a cut head fourteen inches in diameter, bound with hoops one-third the length thereof, at each end, the outward hoops thereof being secured with at least three nails of suitable size.

Sec. 6004. Weight of barrel of beef or pork.—A barrel of beef or pork, packed for exportation, shall contain two hundred pounds of sound, clean, well-slaughtered meat, that is well fattened. * * *

Sec. 6006 (a1869). Weight of gallon of linseed oil, etc.—When linseed, flaxseed or lard oil is sold by the barrel, without a special agreement as to the measurement thereof, the standard for linseed or flaxseed oil shall be seven and one-half pounds to the gallon; and for lard oil, seven and two-fifths pounds to the gallon.

Sec. 6008. Inspector to weigh empty barrel and brand weight thereon.—Inspectors shall inspect barrels intended for linseed, flaxseed or lard oil, and, before filling them, ascertain the weight thereof and when so inspected and weighed, mark on such barrel the weight thereof with marking irons, provided by the inspector for that purpose, with his name and the name of the county.

Sec. 6013. Regulations as to fish barrel; weight of barrel and contents.—Fish barrels shall be made of good, sound and seasoned timber, approved by the inspector, and be bound with at least twelve sufficient, smart hoops, or eight flat hoops, not less than two inches broad, secured with at least three nails in each chime hoop, and contain two hundred pounds of clean fish in each barrel, and one hundred pounds of clean fish in each half-barrel. Only one species of fish shall be packed into each barrel or half-barrel. All fish shall be salted with not less than fifty pounds of coarse salt, or fifty-six pounds of fine salt to each barrel, and in a like proportion to each half-barrel.

Sec. 6016 (1872). What barrel of fish shall contain.—A barrel of fish shall contain two hundred pounds, and a package or vessel, being or purporting to be a fractional part of such barrel, shall contain a like fractional part of two hundred pounds net, of fish, exclusive of salt, brine and package. A barrel or other vessel of fish packed or sold in this State, shall have the number of pounds contained therein distinctly branded upon the head thereof.

Sec. 6020 (1852). Net weight to be marked on barrels of salt.—Manufacturers of salt shall have it sufficiently drained, and packed in good barrels made of good, sound, seasoned timber; the head and bilge hoops to be nailed with not less than four nails in each hoop. The head shall be bored with a metallic instrument not less than one inch in size. The name of the manufacturer shall be distinctly branded on the head thereof. Salt sold at the manufactory shall be marked with the net weight in figures, directly under the name, with good, durable paint.

Sec. 6021. Penalty.—A manufacturer refusing to comply with the next preceding section shall forfeit for each offense the sum of fifty cents per barrel, to be collected by any person in a civil action.

Sec. 6029 (1844). How tare of salt barrels regulated.—The inspector of salt shall regulate the tare of barrels as follows: Barrels weighing less than three hundred pounds shall be tared at thirty pounds; barrels weighing over three hundred and less than four hundred, shall be tared at thirty-five pounds; and barrels weighing over four hundred pounds shall be tared at forty pounds.

Sec. 6036 (1830–31). Tare and net weight to be marked on butter firkins.—Butter and lard shall be packed in tight and well seasoned firkins or kegs, on each of which shall be marked with a marking iron, the tare and net weight of the contents thereof. * * *

Sec. 6037. Tare and net weight to be marked on biscuit casks.—Casks containing biscuits, packed for exportation, shall be of a like size and quality as those specified for flour in this chapter, and the tare and net weight shall be marked thereon with a marking iron. * * *

Sec. 6038. Dimensions, weight, and tare of pot and pearl ash barrels.—Pot and pearl ashes, subject to inspection, shall be placed in barrels of well seasoned white oak or white ash, hooped with substantial hoops for at least ten inches from each end, the staves not to be more than thirty-one inches nor less than thirty inches in length. The head of a potash barrel shall not exceed nineteen inches, and that of a pearl ash barrel, twenty-one inches in diameter; and no barrel shall be tared less than fifty-six pounds. Barrels weighing fifty-six pounds or more shall be so tared. An inspector of pot and pearl ashes shall empty the barrels containing them brought to him for inspection, examine and determine the quality, and repack and brand the head of each barrel as prescribed in this chapter.

Sec. 6039 (1861). Weight to be marked on packages of soap and candles; penalty.—Manufacturers of soap and candles shall mark upon each package or box thereof offered for sale the name of the manufacturer, and the net weight avoirdupois of the contents thereof, in legible letters and figures. A manufacturer neglecting or refusing to comply with the provisions of this section or placing in such box or package a less quantity than is marked or branded thereon shall forfeit one dollar for each offense and pay the costs of prosecution. Forfeitures collected hereunder shall be paid into the treasury of the county in which they are collected.

Sec. 6053. Duty of inspector.—An inspector shall uncase and break each hogshead, barrel, package, case or box of tobacco, or cause it to be done in his presence, which he is called on to inspect and weigh, in not less than four different places. If such inspector believes that such tobacco is sound, clean, in good order and condition, and merchantable, he shall cause it to be weighed. He shall cause the head, side or bulge of such hogshead, barrel, box or package to be marked with the tare thereof, the quantity of net tobacco contained therein and the name of the warehouse. He shall also mark the head of such hogshead, barrel, box or package. with the initials of the name of the owner thereof and the number of such hogshead, barrel, box or package.

Sec. 6054. To preserve samples.—The inspector shall select two samples of each hogshead, barrel, box or package of tobacco inspected by him and passed as sound and merchantable. Such samples shall consist of not less than six hands or bundles, each of which he shall bind together with a cord and attach a label thereto. On such label shall be written the name of the person for whom, or in whose name such tobacco is inspected, with the number of the package, the gross weight, tare and net weight of such tobacco. One of such samples shall be delivered to the purchaser of the tobacco, with a note or certificate hereinafter provided for, and the other such inspector shall retain for one year after such inspection.

Sec. 6055. Record of inspection to be kept.—The inspector shall cause to be entered in a book provided for that purpose, each hogshead of tobacco viewed, passed and marked by him, and the quality thereof, mark and warehouse number, with the gross, tare and net weight thereof.

Sec. 6060. Inspector's receipt.—An inspector who passes tobacco shall deliver to the owner as many receipts as may be required, not exceeding one receipt for each hogshead or cask. Such receipt shall state the place and time of reception, the mark, the warehouse number, gross, tare and net weight for the tobacco inspected and passed, and whether of the first or second quality. The first quality shall consist of tobacco clear of and unmixed with trash. The tobacco for which such receipt calls shall be delivered to the owner or bearer thereof on demand and surrender of such receipt.

Sec. 6062. Proprietor liable for failure of samples.—A proprietor of a commission leaf-tobacco warehouse shall be liable to the purchaser of a hogshead, barrel, package, box or parcel of tobacco, inspected and weighed at such warehouse, for the failure of the sample drawn therefrom to fairly represent the tobacco packed therein. He shall also be so liable for underweight existing in such tobacco inspected and marked by such inspector as required by this chapter.

Gen. Code, 1921, Throckmorton, ch. 24, p. 1509.

Sec. 6334 (1908). Net weight and measure to be marked on packages of paint.—The label on paint sold by measure shall show the net measure of the contents of the container, and on paint sold by weight, the net weight of the contents of the package.

Sec. 6335. Possession prima facie evidence.—The possession of an article or substance improperly marked or inaccurately labeled, as provided in this chapter, by a person, firm or corporation dealing therein shall be prima facie evidence that it is so kept in violation of this chapter and the penal statutes relating thereto.

Sec. 6336. Who empowered to enforce penal statutes.—The secretary of agriculture shall enforce the provisions of this chapter and the penal statutes relating thereto and the secretary, his assistants, experts, chemists and agents shall have access and ingress to the places of business, stores and buildings used for the sale of paint, turpentine, or linseed oil, and may open any package, can, jar, tub or other receptacle containing an article that may be sold or exposed for sale in violation of such provisions or statutes. The inspectors, assistants or chemists, appointed by the secretary shall perform like duties and have like authority under this chapter and the penal statutes relating thereto as is provided by law in other cases.

Gen. Code, 1921, Throckmorton, ch. 16, p. 2951.

Sec. 13168 (1911). Penalty.—Whoever violates any provision of law relating to the labeling, marking, or stenciling of turpentine, wood turpentine, paints, mixed paints and similar compounds or white lead by manufacturers or distributors thereof, shall be fined not more than fifty dollars, and for each subsequent offense shall be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned not less than thirty days nor more than one hundred days, or both.

Gen. Code, 1921, Throckmorton, ch. 6, p. 2873.

Sec. 12722 (1904). Penalty for use of false standard measure for milk or cream.—Whoever uses a standard measure of milk or cream other than that which is defined in this section, where milk or cream is purchased by or furnished to creameries or cheese factories and where the value of such milk or cream is determined by the per cent of butter fat contained therein by the Babcock test, shall be fined not less than twenty-five dollars nor more than one hundred dollars. In the use of the Babcock test the standard milk measures or pipettes shall have a capacity of 17.6 cubic centimeters and the standard test tubes or bottles for milk shall have a capacity of two cubic centimeters for each ten per cent marked on the necks thereof. The standard unit of cream for testing shall be eighteen grams.

Sec. 12723. Penalty for sale of falsely marked pipette.—Whoever offers for sale or sells a milk pipette or measure, test tube or bottle which is not correctly marked or graduated as provided in the next preceding section, shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Gen. Code, 1921, Throckmorton, Suppl.

Sec. 12730–1 (1921). Weight of ice cream.—(*a*) * * * It [ice cream] shall not weigh less than four and one-fourth pounds per gallon.

Gen. Code, 1921, Throckmorton, ch. 6, p. 2873.

Sec. 12763 (1906). Maple sugar and syrup defined.—Maple sugar or pure maple sugar and maple syrup or pure maple syrup are the unadulterated product [produced] by the evaporation of pure sap from the maple tree. The standard of weight of a gallon of maple syrup of two hundred and thirty-one cubic inches shall be eleven pounds. A substance purporting to be maple syrup or maple sugar not made in compliance with this section shall be an adulteration of maple syrup or maple sugar, and maple syrup of less weight than herein required shall be an adulteration of maple syrup.

Gen. Code, 1921, Throckmorton, ch. 6, p. 2082.

Sec. 9326 (1866). Illuminating gas; unit of measure.—The standard or unit of measure for the sale of illuminating gas by meter shall be the cubic foot, containing sixty-two and three hundred twenty-one one-thousandth pounds avoirdupois weight of distilled or rain water, weighed in air, of the temperature of sixty-two degrees Fahrenheit's scale, the barometer being at twenty-nine and one-half inches.

Sec. 9327 (1867). Meters to be sealed and stamped; penalty for failure to seal and stamp.—No meter shall be set unless it is tested by a

meter-prover, sealed and stamped as hereinafter provided. A company authorizing the setting of a meter, or allowing it to be used by a consumer of gas, without being so sealed and stamped, shall forfeit and pay not less than twenty-five nor more than one hundred dollars, to be recovered upon the complaint of such consumer, in the name of the State, before any court of competent jurisdiction.

Sec. 9329 (a1908). Meters; testing of; fee.—Meters in use shall be tested on the request of the consumer, in his presence, if desired, with a meter-prover, tested and sealed as provided by law, by an officer or servant of the company. If the meter be found to be correct, and it shall be deemed correct if there be no greater variation than three per cent, the party requesting the inspection shall pay a fee of twenty-five cents, and the expense of removing it for the purpose of being tested. The re-inspection shall be stamped on the meter. If proved incorrect, no fees or expense shall be paid by the consumer, and the company shall furnish a new meter without charge to the consumer. No gas company shall charge rent for meters.

Sec. 9338 (a1915). Meter-prover and photometer; penalty.—All gas companies supplying the public with artificial or natural gas, which are not supplied with such apparatus, forthwith shall provide for their use a meter-prover, the holder of which must contain not less than five feet, such prover to be tested in the place where it is to be used and stamped and sealed by the public utilities commission of Ohio, all such tests to be open to the public. All gas companies supplying artificial or natural gas for illuminating purposes shall on the order of the public utilities commission of Ohio provide for their use a photometer of a type approved by such commission. The failure on the part of any person, firm or corporation supplying the public with artificial or natural gas to comply with the provisions of this section shall cause said person, firm or corporation to forfeit and pay to the State not less than twenty-five dollars nor more than one hundred dollars to be recovered upon the complaint of any such consumer, in the name of the State, before any court of competent jurisdiction.

Gen. Code, 1921, Throckmorton, ch. 16, p. 2951.

Sec. 13127 (1859). Making or using false gas meters.—Whoever, with intent to defraud, constructs or uses a false meter for measuring and registering the gas consumed under a contract with a gas company, shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

Gen. Code, 1921, Throckmorton, Part First, Div. 2, ch. 1, p. 111.

Sec. 521 (1906). Weighing of freight.—The commission [utilities commission] may enforce reasonable regulations for furnishing cars to shippers, switching, loading and unloading them, and the weighing of cars and freight offered for shipment over any line of railroad.

Sec. 614–36 (1911). Standards of measurement.—The commission [utilities commission] may ascertain and fix adequate and serviceable standards for the measurement of quality, pressure, initial voltage or other condition pertaining to the supply or quality or the product or service rendered by any public utility and prescribe reasonable regulations for examination and testing of such product

or service and for the measurements thereof. It may establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurements, and every public utility is required to carry into effect all orders issued by the commission relative thereto.

Sec. 614–37 (a1917). Examinations and tests of instruments.—The commission may provide instruments for and carry on the examination and testing of any and all appliances used for the measurement of any product or service of a public utility or for the examination and testing of any devices or appliances of such public utility used for testing for accuracy any and all appliances used for the measurement of any product or service of such public utility. Any consumer or user may have any such appliance tested upon payment of the fees fixed by the commission. The commission may declare and establish reasonable fees to be paid for testing such appliances on the request of the consumers or users, the fees to be paid by the consumer or user at the time the request is made, but to be paid by the public utility and repaid to the consumer or user if the appliance be found commercially defective or incorrect, to the disadvantage of the consumer or user.

Gen. Code, 1921, Throckmorton, ch. 15, p. 286.

Sec. 1141, as amended by Laws, 1923, H. B. 278, p. 74. Printed statement on outside of package; contents of statement.—Whoever sells or offers for sale within this State any feedstuffs or condimental stock or poultry feeds, animal or poultry regulators, conditioners, tonics, or similar articles, for any of which any food value is claimed in any manner by the manufacturer or seller thereof, in carload lots or in bulk packages thereof, shall furnish with each carload or quantity in bulk or package thereof or affix to each bag, barrel or other package thereof, in a conspicuous place on the outside thereof, a plainly printed certificate, which shall state the number of net pounds in each car or quantity in bulk or in each package, the name, brand or trade-mark, under which it is sold or offered for sale, the name, and post-office address of the manufacturer, shipper or vendor. * * *

Sec. 1150 (a1911). Fertilizer to bear statement of net weight.—Each person, firm or corporation who manufactures, sells or offers for sale in the State a commercial fertilizer which means any substance for fertilizing or manurial purposes, except barnyard manure, marl, lime and plaster, shall affix to each package in a conspicuous place on the outside thereof, a plainly printed certificate which shall state the number of net pounds contained therein, the name, brand or trade-mark, under which it is sold, or offered for sale, the name of the manufacturer, with his or its post-office address. * * *

Gen. Code, 1921, Throckmorton, ch. 17, p. 312.

Sec. 1177–44. Statement on outside of bulk package offered for sale; contents of statement.—Any person, company, corporation or agent that shall sell, offer or expose for sale, any agricultural lime or limestone in this State, shall affix or cause to be affixed, to every package or sample of such agricultural lime or limestone in a conspicuous place on the outside thereof, a tag or label which shall be

accepted as a guarantee of the manufacturer, importer, dealer, or agent, and which shall have plainly printed thereon in the English language the number of net pounds of agricultural lime or limestone in the package, the name, brand or trade-mark under which the agricultural lime or limestone is sold, the name of the manufacturer, or shipper, the location of the principal office of the manufacturer * * *.

Gen. Code, 1921, Throckmorton, ch. 12, p. 1446.

Sec. 5979 (1893). Central standard time.—The standard of time throughout this State shall be that of the ninetieth meridian of longitude west from Greenwich, and shall be known as "central standard time." Courts, banks, public offices, and legal or official proceedings shall be regulated thereby; and when, by a law, rule, order or process of any authority, created by or pursuant to law, an act must be performed at or within a prescribed time, it shall be so performed according to such standard of time.

Gen. Code, 1921, Throckmorton, ch. 11, p. 240.

Sec. 910 (a1910). District inspector to be sealer of weights and measures.—The district inspectors of mines are hereby vested with all the powers and authority of county auditors as sealers of weights and measures in the different counties of this State, but shall exercise such authority in connection with weights and measures at mines, only. Each district inspector of mines may upon his regular examination of a mine, and shall, upon the written request of the duly authorized representatives of the miners, the owner, lessee, or agent, or the interested land owner, test the accuracy of the scales at any time, and post in the weigh house a certificate provided by the chief inspector of mines, certifying the condition of the scales, provided that such tests be made at a reasonable time without unnecessary interference with the use of such scales.

In case of a controversy or disagreement between the district inspector of mines, and the owner, lessee or agent of a mine, or persons working therein, or in case of emergency requiring counsel, the district inspector of mines may call upon the chief inspector of mines for such assistance and counsel as is necessary.

Sec. 941. Test weights.—The owner, lessee or agent of a coal mine, at which the earnings of ten or more persons depend upon the weights of coal mined, shall provide and keep accessible for the purpose of testing the weigh scales as provided elsewhere in this act the following standard test weights, properly sealed: Where the coal mined is weighed upon hopper or pan scales, two standard test weights of fifty pounds each; where the coal mined is weighed upon railroad track scales, ten standard test weights of fifty pounds each.

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Sec. 970. Check weighman; duties, etc.; check measurer.—The miners employed at a mine where the earnings of such miners depend upon the weight of coal mined, may, at their own cost, designate or appoint a competent person as check weighman, who, at all proper times, shall have full right of access to and examination of the scales, machinery or apparatus used at such mine to determine the correct weight of coal mined, and whose duty shall be to see the coal weighed and to make a correct record of such weights.

Not more than one person, however, on behalf of the miners collectively shall have such right at the same time.

The landowners, or other persons interested in the rental or royalty at such mine, may, at their own cost, designate or appoint a competent person to act as check weighman for them, who shall have the same rights as the check weighman for the miners. Not more than one person, however, on behalf of the landowners, or other persons interested in the rental or royalty, jointly shall have such right at the same time. Check weighman shall not interfere with the use of or tamper with such scales, machinery or apparatus, nor make any false entry of any weight, or in any manner exceed the duties prescribed herein.

The miners employed at a mine where the earnings of such miners depend upon measurements, may, at their own cost, designate or employ, not more than one of their number as check-measurer to accompany each mine-foreman or other person making the measurements and see them make such measurements, and made a correct record of same. Each mine-foreman or other person making measurements may have a helper, but such helper shall not be regarded as a person making measurements. The person or persons designated as check-measurer shall not in any manner interfere with or interrupt the work of the mine-foreman or other person, while making such measurements.

Sec. 978–1 (a1915). Payment shall be made according to total weight unless otherwise agreed.—Every miner and every loader of coal in any mine in this State who under the terms of his employment is to be paid for mining or loading such coal on the basis of the ton or other weight shall be paid for such mining or loading according to the total weight of all such coal contained within the car (hereinafter referred to as mine car) in which the same shall have been removed out of the mine unless otherwise agreed between employer and miner or loader.

Sec. 978–6. Passing coal over screen to determine pay unlawful; penalty.—It shall be unlawful for the employer of a miner or loader of the contents of any car of coal to pass any part of such contents over a screen or other device, for the purpose of ascertaining or calculating the amount to be paid such miner or loader for mining or loading such contents, whereby the total weight of such contents shall be reduced or diminished unless otherwise agreed between employer and miner or loader. Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction, shall be fined for each separate offense not less than three hundred dollars nor more than six hundred dollars.

OKLAHOMA

Comp. Stats., 1921, Vol. 2, ch. 92, Art. II, p. 3607.

Sec. 11193 (1915). State bureau established; officers; location.—There shall be established a State bureau of standards of weights, measures and tests of all kinds. This bureau shall be located at the State University of Oklahoma; which shall provide rooms and equipment for its use. The president of the State University of Oklahoma shall appoint as director of the bureau of standards a member of the regular faculty of the university. Upon the recommendation of the director, the president of the State University of Oklahoma shall appoint at least two members from the faculty, as assistant directors. The director and assistant directors shall constitute a board of control, of the bureau of standards. The members of the board of control shall serve without salary.

Sec. 11194. Assistants.—In order properly to carry on the work of the bureau of standards, the president of the State University of Oklahoma shall upon the recommendation of the board of control, appoint as assistants to the board of control, men already in the service of the university, assigning to these men such titles as he desires. In case additional assistance is necessary, this assistance shall be supplied by the State board of education.

Sec. 11195. Standards and methods; Federal standards.—The board of control shall have charge of the various standards of weights, measures and testing devices received by the State of Oklahoma from the United States under a resolution of Congress, approved June 14, 1836, and July 27, 1866, and such additional standards as may or shall be received from the United States in the future. The board shall also have charge of the various State or office standards purchased by the State University, or by the State for the bureau.

The board shall also have charge and control of the standard methods of weighing, measuring and testing in the State. The board of control shall maintain the standards in good order and shall submit a set of standards, called the primary standards, at proper intervals, to the National Bureau of Standards for certification.

Sec. 11196. Powers and duties; general control.—The bureau of standards shall be available to all State departments, municipal and private corporations and citizens of the State. The bureau shall be, for the State of Oklahoma, the highest official authority in regard to standards of weights, measures and tests, and methods of weighing, measuring and testing. The findings of the bureau of standards in any case or question shall be considered prima facie evidence of the correctness thereof. All enforcing officers of weights, measures and tests legislation in the State of Oklahoma shall submit their weighing, measuring, and testing devices to the State bureau of standards at such periods as set by the board of control for

certification and seal. The board of control shall adopt a seal for this purpose. The board of control shall have authority to place any test or question referred to it to the proper individual or laboratory in the university.

Sec. 11197. Fees; expenses.—The board of control shall establish fees for all tests and certifications made by the bureau. The fees shall in no case exceed those established for similar work by the National Bureau of Standards. The fees shall be paid to the treasurer of the university and shall be disbursed by him upon the proper approval of the board of [control. Fees shall be disbursed for meeting expenses of][1] making tests and for equipment. Any fees unspent at the end of each biennium shall revert to the State.

Sec. 11198. Information published.—The bureau shall publish from time to time through the University of Oklahoma press for general distribution such literature and directions in regard to weights, measures and tests, and methods of weighing, measuring and testing as deemed advisable by the board of control.

Sec. 11199. Report to governor.—The board of control shall report biennially to the governor of the State—this report to cover the details of all operations of the bureau during the biennium. It shall report to each legislature, making such recommendations as it deems advisable with reference to proper legislation on weights, measures and tests and methods of weighing, measuring and testing.

Comp. Stats., 1921, Vol. 2, ch. 92, Art. 1, p. 3605.

Sec. 11184 (1910). Board of agriculture to enforce act.—The State board of agriculture shall be charged with the duties of enforcing the provisions of this chapter.

Sec. 11185. Bushel weights; ton.—Whenever the articles hereinafter named shall be sold by the bushel, and no agreement as to weights or measures thereof shall be made by the parties, the bushel shall consist of the following number of pounds, viz:[2]

	Pounds		Pounds
Salt	80	Buckwheat	52
Mineral coal	80	Carrots	50
Lime	80	Rutabagas	50
Corn in shuck	72	Corn meal	50
Corn, unshelled	70	Millet	50
Wheat	60	Sorghum seed	50
Beans	60	Rape	50
Peas	60	Barley	48
Split peas	60	Apples	48
Beets	60	Peaches	48
Irish potatoes	60	Pears	48
Clover seed	60	Cucumbers	48
Alfalfa and alsike (or Swedish) seed	60	Hungarian grass seed	48
		Broom corn seed	48
Onions	57	Castor beans	46
Rye	56	Tomatoes	45
Corn, shelled	56	Timothy seed	45
Flax seed	56	Parsnips	44
Green peas (unshelled)	56	Hemp seed	44
Kaffir corn	56	Common turnips	42
Sweet potatoes	55	Bermuda grass seed	40

[1] The portion inclosed in brackets is not given in the Compiled Statutes of 1921, but appears in the session laws for 1915.

[2] For convenience in printing a slight change has been made in arrangement of these articles.

	Pounds		Pounds
Malt	38	Peanuts	22
Osage orange seed	36	Bran	20
Dried peaches	33	Blue grass seed	14
Oats	32	Red top seed	14
Cotton seed	32	Orchard grass seed	14
Top onion sets	28	Coke	[3] 2,680
Dried apples	24	Charcoal	[3] 2,680

A ton shall consist of two thousand pounds of the article or commodity named.

Sec. 11186 (1890). Hay, ton of.—A ton of hay shall consist of two thousand pounds, or, by measurement, three hundred and forty-three cubic feet, after the same shall have been stacked thirty days, or such time as may be agreed upon between the parties.

Sec. 11187. Perch of stone.—A perch of mason work, or stone, is hereby declared to consist of twenty-five feet cubic measure.

Sec. 11188 (1910). Standard weights of mill products.—Mill products hereinafter mentioned shall have the following standard weights: Barrels of flour, in wood, one hundred and ninety-six pounds net; half barrels, in wood, ninety-eight pounds net; one-fourth barrels, in sacks, forty-eight pounds gross; one-eighth barrels, in sacks, twenty-four pounds gross. Corn meal, in sacks, thirty-five pounds gross; half sacks, seventeen and one-half pounds gross; one-fourth sacks, eight and three-fourths pounds gross. And all feed made from cereals of any kind, whether pure, mixed, or adulterated, one hundred pounds per sack gross.

Sec. 11189. Name and weight stamped on package.—The correct name and true weight of the contents of each and every barrel, box, sack, bale, cask or package of any of the foregoing products, whether sold in single packages or lots, shall be plainly marked, branded or stenciled in letters and figures, not less than two inches in length and not less than one-eighth of an inch in width, upon the exterior of such barrel, box, sack, bale, cask or package, in a conspicuous place as the head in case of barrel, and the front or branded side in case of sacks, bales or packages, and it shall be unlawful for any person, firm or corporation, or the agent, employee, or representative of any firm or corporation to sell or exchange any such product so packed or contained until the provisions hereof have been complied with.

Sec. 11190. Violation; penalty; separate offense.—If any person shall knowingly violate the provisions of this chapter, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than twenty-five dollars, nor more than one thousand dollars, and each violation shall be deemed a separate offense, which fine or fines shall be recovered in any court of competent jurisdiction, without bond or advance costs.

Sec. 11191. Obstructing inspectors.—Any manufacturer, dealer or other person who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent any inspector or other person in the performance of his duty in connection with this chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than twenty-five dollars, nor more than one hundred dollars.

[3] Cubic inches per bushel.

Sec. 11192. Seizure of products for violation.—Any member of the board of agriculture shall have the privilege of seizing any mill product and cereal sold in the State in violation and contravention of the provisions of this chapter, and may proceed by writ of provisional seizure against the mill products and cereals so sold in the hands of whomsoever they may be and wheresoever he may find them, regardless of the residence of the owner thereof, to recover the fines and penalties due for the illegal sale thereof, by presenting a petition to a competent judge or magistrate, within whose jurisdiction said mill products and cereals are found, stating on oath at the foot of the petition the amount and nature of the demand, the mill products or cereals on which the privilege exists, and praying that the mill products and cereals be seized to satisfy the claim and pay the costs of the suit.

Comp. Stats., 1921, Vol. 2, ch. 35, Art. 6, p. 2136.

Sec. 5735 (a1917). Public weigher; election.—At each general election there shall be elected in each county a county judge, * * * a public weigher, * * * who shall hold office for a term of two years, * * *

Comp. Laws, 1921, Vol. 2, ch. 35, Art. 15, p. 2185.

Sec. 5943 (1908). Who eligible.—No person shall be eligible to the office of public weigher who is not, at the time of his appointment or election, a legal voter, resident in his county.

Sec. 5945. Deputy weighers.—The public weigher may appoint one or more deputies in each precinct of his county, which deputy shall have all the powers conferred upon the public weigher, and shall be answerable to all the penalties prescribed for the violation of this article; * * * Deputy weighers shall be confined in their jurisdiction to the limits of their respective precincts. They shall keep a record of their transactions as herein prescribed for the public weigher, which record shall be open at all times to public inspection: *Provided*, That all deputy weighers appointed under the provisions of this article shall, before entering upon the duties of their office, be approved by the board of county commissioners.

Sec. 5946. Office, etc., scales to be provided.—The public weigher shall hold an office at the county seat, said office being provided by such public weigher at his own expense, and he shall also provide his own record books, blanks, stationery; and in no event shall the State become liable for any of the expenses incurred in the operation of the office of public weigher. All books, reports, or other records in the office of such public weigher, or of any deputy weigher, shall be delivered to their successors in office. All public weighers, and all deputy weighers shall provide, at their expense, by purchase or lease, all scales essential for conducting their business, and in no event shall the State become liable for the cost thereof.

Sec. 5947 (a1909). Sheriff to inspect scales used by weigher; violation, penalty for; fees for inspecting public scales; special test of scales.—It shall be the duty of the sheriff of each county, in person or by his regular deputies, to inspect and test all scales used by the public weigher, or any deputy weigher, and such scales shall be tested with the United States standard weights; and such sheriff shall place his seal upon all such tested scales, at a

conspicuous place, which seal shall be prima facie evidence of such test, and such test shall be made once each three months, upon all scales so used. Said sheriff shall make a report in writing, setting forth the date of such test, the result thereof, and specifying the scales so tested, together with the name of the public weigher or deputy weigher using such scales, and where the same are located. Such report shall be filed in the office of the county clerk within five days after the inspection is made. Said sheriff, or the deputy making such test, shall verify each report so filed, stating that the same is a correct, true and exact report of the condition of the scales mentioned therein, and any failure upon the part of the sheriff to comply with the provisions of this section shall be a misdemeanor, and upon conviction shall subject such offending official to a fine of not less than ten nor more than one hundred dollars for each scale so omitted from inspection; and any sheriff making a misstatement of facts, or who reports any scale to be in a condition other than their [its] true condition, shall be deemed guilty of false swearing, and upon conviction shall be punished by imprisonment in the penitentiary for not less than one, nor more than two years: *Provided, however*, That a sheriff or any deputy sheriff shall receive as compensation for inspecting any public scales of any such public weigher or deputy weigher, the sum of one dollar for each scale inspected: *Provided, further*, That if as many as five citizens sign a written request to the sheriff, designating any public scale and asking for an official inspection thereof, such sheriff shall comply with such request and make such inspection and test at any time, not oftener, however, than once each thirty days, and the fees allowed for such special inspection and test shall be the same as above provided: *And provided, further*, That the sheriff or his deputy shall have the same authority for regulating all scales, either public or private, if they be used to weigh for the public, either with or without hire.

Sec. 5948 (1907–8). Duties of.—It shall be the duty of every public weigher, or duputy [deputy] weigher, within his county, to receive, inspect and weigh, according to the standard weights of the United States, all cotton, grain of every kind, livestock, hay, cotton-seed, coal, wood, broomcorn and all other farm products sold by weight, and such articles shall be weighed by such weigher in the order in which they are received, and he shall, at the time of such weighing, make a record in duplicate form, either upon a stub attached, or by a carbon duplicate sheet, such records to be in a binding and kept for future reference. Such record shall contain a statement as to the article, its gross and net weight, its condition and the date of its weighing, together with the description of any marks, brands, or other peculiarity essential to the complete description thereof. A copy of such entry shall be furnished the person applying for such weights. Said statement of the record of each weight shall be signed by the official weigher, and all such weights, when so made by the public weigher, shall be taken as the legal weight of any commodity mentioned in this section.

Sec. 5949 (1909). Books and records open to inspection.—The books and records of all county weighers or deputy weighers shall at all times be open to inspection by any citizen.

Sec. 5950 (a1919). Weights official; person who shall not be weighers.—The purchaser of an article weighed upon the official scales of any county weigher or deputy county weigher, shall receive and accept such weights as official and correct, and no person, not a county weigher or deputy county weigher shall hold himself out as such, or be allowed to weigh any of the before mentioned articles offered for sale: *Provided*, That nothing herein shall prevent the purchaser and seller of cotton or other products from agreeing upon the proper dockage of the cotton or article sold which may be net. No person shall be appointed as a county weigher or deputy county weigher or weigh for the public who is in any wise interested as a dealer or speculator, or as an agent or employee of any firm, company or corporation in the sale or purchase of cotton, grain, livestock, hay, cotton-seed, broom-corn, and all other farm products sold by weight.

Sec. 5951 (1909). Cattle to be weighed, when.—Wherever and whenever cattle are bought or sold, either for shipment or slaughter, and the buyer or seller shall so demand, such cattle shall be weighed by the public weigher, the fee to be paid equally by the seller and purchaser. At all places where cattle are bought and sold either for slaughter or shipment, the public weigher shall provide a safe and sufficient enclosure around his scales, so that cattle can be weighed in lots of five or more at one draft.

Sec. 5952. Penalty for violating two preceding sections.—Any person, firm or corporation who shall violate any of the provisions of the two preceding sections shall be liable to the public weigher for damages in a sum not to exceed five dollars for each load or draft so unlawfully weighed, to be recovered in any court having competent jurisdiction thereof.

Sec. 5953. Things not required to be weighed.—Nothing in the provisions of this article shall be construed so as to prohibit any person from weighing his own products; and this article shall not be so construed as to require the weighing of vegetables, poultry, eggs or dairy products.

Sec. 5954 (1907–8). Violations of this article; penalties.—Any public weigher or deputy weigher violating any of the provisions of this article, or refusing to receive and weigh any commodity herein, or who incorrectly weighs the same, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars, in the discretion of the court; he may be removed from office; and any person, either a purchaser or dealer, in any of the commodities weighed upon such private scales who, with intent to cheat or defraud any person, firm or corporation with plates, sand packs, false packs or water packs in cotton, uses any device, trick or scheme for the purpose of obtaining false weights to his advantage, or to the disadvantage of any person, firm or corporation, and every ginner of cotton or any other person who is a party to such defrauding, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten dollars nor more than one hundred dollars, and upon the second conviction any such person shall be, in addition to said fine, confined in the county jail not less than thirty nor more than one hundred and twenty days. Any public weigher or deputy weigher, or any other person who knows of the perpetration of

any such deception or fraud, shall make a report thereof to the grand jury of his county, and if it be the public weigher, or the deputy weigher, he shall file a written report with the records of his office, setting forth the facts, naming the person guilty of such deception, and the failure to so report shall subject the party or weigher to a fine of not less than five nor more than twenty-five dollars. Any person, firm or corporation who, in violation of the provisions of this article, weighs any of the products mentioned herein for other persons, and who exacts or receives any charges therefor, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than one hundred dollars: *Provided, however*, That any person, firm or corporation may weigh any product for any other person, if such person, firm or corporation so weighing is a bona fide purchaser of such product; but no charges shall be made or received for such weighing under the penalty aforesaid.

Comp. Stats., 1921, Vol. 2, ch. 20, Art. 4, p. 1612.

Sec. 3707 (1909). Record kept by ginners.—It shall be the duty of all ginners or owners of cotton gins in this State to brand, number, and place upon each bale of cotton, whether round or square, ginned and baled at their respective gins, the name of the ginner and the owner, and the number and weight of the bale so ginned, each ginner beginning with number one each ginning season, and continuing consecutively with each bale ginned to the close of the ginning season; which brand, names and number shall be recorded in a book kept at such gin for that purpose: *Provided*, That no brands or marks shall be placed on the sample side of any bale of cotton.

Sec. 3711. Penalty for violation.—Any person who shall fail to comply with the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than one hundred dollars..

Comp. Stats., 1921, Vol. 2, ch. 43, Art. 1, p. 2311.

Sec. 6431 (1909). Fees.—A public weigher, or any deputy weigher, shall receive for his services in weighing any article, the following schedule of fees: Ten cents for each load or draft weighed separately: *Provided*, That such public weigher shall not be allowed compensation for any extra weighing which may be essential in determining the net weight of any article or load. The public weigher, or any deputy weigher, shall be allowed and is hereby granted a lien upon any article or product weighed for the fees above mentioned, and such fee shall attach to and follow such article into the hands of the purchaser, and shall not be barred or canceled by any sale or transfer of such article during the day upon which the article is weighed: *Provided*, That deputy weighers shall be allowed to retain as their compensation the sum of eight cents for each load or draft weighed separately; the residue of the price allowed hereunder shall be paid by the deputies to the county weigher at the close of the month.

Comp. Stats., 1921, Vol. 1, ch. 6, Art. 58, p. 1105.

Sec. 2196. False weights and measures; fine.—If any person with intent to defraud, use a false balance, weight or measure, in the

weighing or measuring of anything whatever that is purchased, sold, bartered, shipped or delivered, for sale or barter, or that is pledged, or given in payment, he shall be punished by a fine not exceeding one hundred dollars nor less than five dollars, or by imprisonment in the county jail not more than thirty days, or by both such fine and imprisonment, and shall be liable to the injured party in double the amount of damages.

Sec. 2197. Retention is punishable.—Any person who retains in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it or permit it to be used in violation of the last section, shall be punished as therein provided.

Sec. 2198. May be seized.—Any person who is authorized or enjoined by law to arrest another person for violation of the first two sections of this article, is equally authorized and enjoined to seize any false weights or measures found in the possession of the person so arrested, and to deliver the same to the magistrate before whom the person so arrested is required to be taken.

Sec. 2199. May be tested and destroyed; indictment.—The magistrate to whom any weight or measure is delivered, pursuant to the last section, shall, upon examination of the accused, or if the examination is delayed or prevented, without awaiting such examination, cause the same to be tested by comparison with standards conformable to law; and if he finds it to be false, he shall cause it to be destroyed, or to be delivered to the county attorney of the county in which the accused is liable to indictment or trial, as the interests of justice in his judgment require.

Sec. 2200. Shall be destroyed, when.—Upon the conviction of the accused, such county attorney shall cause any weight or measure in respect whereof the accused stands convicted, and which remains in the possession or under the control of such county attorney, to be destroyed.

Sec. 2201. Stamping false weights or false tare.—Any person who knowingly marks or stamps false or short weight, or false tare on any cask or package or knowingly sells or offers for sale any cask or package so marked is guilty of a misdemeanor.

Comp. Stats., 1921, Vol. 2, ch. 29, Art. 11, p. 1833.

Sec. 4566°. Regulations of weights and measures.—The council may prescribe rules for the weighing and measuring of every commodity sold in the city, in all cases not otherwise provided for by law, and may provide for the inspection and weighing of hay, grain and coal, the measuring of wood and fuel, and determine the place or places of the same, and regulate and prescribe the place or places of exposing of [for] sale, hay, coal and wood, and fix the fees and duties of the persons authorized to perform the duties named in this section.

(Applicable to cities of the first class.)[4]

Comp. Stats., 1921, Vol. 2, ch. 91, p. 3576.

Sec. 11081 (1899). Public warehouse scales tested.— * * * All scales used for the weighing of property in public warehouses shall be subject to examinaton and test by any duly authorized inspector,

[4] Cities of 2,000 population or more may become cities of the first class upon petition of 35 per cent of electors.

the expense of such tests by inspector to be paid by the warehouseman where scales are so tested; and no scales shall be used for the weighing of grain after being found incorrect, until put in order and found accurate and approved for further use by an authorized inspector.

Sec. 11082. Penalty for violation.—Except as herein otherwise provided, a violation of any of the preceding provisions of this article, by any warehouseman, owner, lessee, manager or employee of public warehouses created by this act [article] is declared a misdemeanor, and, upon conviction thereof, the violators shall be fined not less than one thousand nor more than five thousand dollars, one-fourth of such fine to be awarded and paid to the informer of such misdemeanor.

Sec. 11121 (1919). Scales, weights and grades.—The person, firm, company or corporation owning a bonded warehouse shall maintain sufficient scales and equipment for weighing and keeping records of all products stored and shall place upon the certificate the weight and grade as determined to the best of his ability.

Comp. Stats., 1921, Vol. 2, ch. 79, p. 2923.

Sec. 8838, as amended by Laws, 1925, ch. 177, p. 280. Misbranding of food.—Food shall be deemed mislabeled within the meaning of this article in any of the following cases:

* * * * * * *

Third. If in package form and the contents stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Comp. Stats., 1921, Vol. 2, ch. 53, p. 2518.

Sec. 7065 (1905). Water, standard measure of flow and volume.—The standard of measurement of the flow of water shall be the cubic foot per second of time; the standard measurement of the volume of water shall be the acre foot, being the amount of water upon an acre covered one foot deep, equivalent to forty-three thousand five hundred sixty cubic feet.

Comp. Stats., 1921, Vol. 2, ch. 20, Art. 9, p. 1624.

Sec. 3760 (1905). Commercial fertilizer, net weight to be marked.—Every person, firm or corporation who shall sell, expose or offer for sale, within the limits of the State any commercial fertilizer, shall affix to every package, in a conspicuous place on the outside thereof, a plainly printed certificate, stating the number of net pounds in the package sold or offered for sale, the name of the brand or trademark under which the article is sold, the name of the manufacturer and the place of manufacture. * * *

Sec. 3771. Tax tag; net weight to be marked.—Every lot or parcel of concentrated commercial stuffs as defined in section 1 [3769], of this act, used for feeding farm live stock, sold, offered or exposed for sale in the State of Oklahoma for use within this State, shall have printed on a tax tag, * * * a plainly printed statement clearly and truly certifying:

(*a*) The number of net pounds of feeding stuff in the package; * * *

(*d*) The name and address of the manufacturer or importer; * * *

Comp. Stats., 1921, Vol. 2, ch. 30, p. 4874.

Sec. 4939 (1908). Bill of lading for coal to show weight.—Whenever any coal is shipped over any common carrier from any point within the State of Oklahoma to any other point within the said State, the common carrier transporting such coal shall issue a bill of lading stating the true weight of the coal so transported.

Sec. 4940. Coal weighed at destination; liability for shortage.—When said coal arrives at its destination, the said carrier shall cause the same to be weighed at that point, provided it has scales at that point, and if not, then it shall cause said coal to be weighed at the nearest track scales on its line between the point of shipment and the point of destination, and if the weight of said coal at the point of delivery is less than the weight set out in the bill of lading, the carrier delivering to the consignee shall be liable to the consignee for all deficiencies in weight, less the natural shrinkage, which shall not exceed one per cent for a one hundred and fifty mile haul or less and one and one-half per cent on more than a one hundred and fifty mile haul; and the measure of damage of the consignee for such deficiency or shortage shall be the value of the deficiency at the point of destination less freight thereon if the freight has not been paid; and in weighing cars of coal they shall be detached from the train, and in the event the loss or shortage does not occur on the delivering line the carrier delivering to the consignee shall be entitled to recover from the carrier upon whose line the loss or shortage occurred, such amount for the loss or shortage as the carrier delivering to the consignee may be required to pay to the consignee as may be evidenced by any receipt, judgment or transcript thereof.

Sec. 4941. Connecting lines.—In case any coal shipped shall be carried over the lines of the connecting carriers, the carrier receiving said coal shall cause the correct weight thereof to be placed in the bill of lading, and such coal shall be reweighed when delivered to the connecting carrier, and the value of the coal at the point of destination shall be the measure of damages.

Sec. 4942. Refusal to weigh; consignee may weigh, when.—In case the carrier shall fail or refuse to weigh said coal at its destination or at the nearest track scales to the point of destination between said point and the point of shipment, the consignee may weigh said coal, and his weights shall be prima facie evidence of the amount of coal received, and the carrier shall be liable in damages as set out in this article for any shortage between the actual quantity received at the point of destination and the amount named in the bill of lading: *Provided*, That if the consignee shall have the coal weighed at the point of destination, on other than track scales, an allowance of ten pounds per ton shall be deducted from the weight.

Sec. 4943. Refusal to weigh; penalty.—Any agent, servant or employee of any carrier who shall fail or refuse to weigh any coal at its point of destination, or shall knowingly or wilfully make false weights of such coal, or in case there are no track scales at the point of destination at the nearest track scales passed in its transit from its point of shipment, such agents, servants or employees shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than fifty nor more than one hundred dollars, or be imprisoned not less than thirty days nor more than sixty days or both such fine and imprisonment.

Sec. 4944. Shipments into State.—Whenever any coal shall be brought into this State by any carrier where the point of shipment is outside of the State, the same shall be weighed by the carrier at the nearest track scales within the State to the State line, and after being so weighed, as to its further carriage all of the provisions of this article shall apply thereto in the same manner as if the shipment originated within this State.

Sec. 4945. In case of dispute over shortage.—In case any contention shall arise between the consignee and the carrier in regard to the shortage of coal on any car, the car shall be weighed first while loaded and then the empty car shall be weighed again and the actual gross and net weights shall be ascertained, and the stencil weight of any car marked thereon shall not be taken in any case as a true weight of said car.

Comp. Stats., 1921, Vol. 2, ch. 68, p. 2744.

Sec. 8011 (1915). Gas companies to use meters.—That all persons, firms, corporations or other business organizations engaged in the business of furnishing natural gas in municipalities in this State, to the inhabitants thereof, shall do so through standard meters at meter rates: *Provided*, That this act shall only apply to towns where the population exceeds five hundred, and shall not prohibit the sale of gas at a flat rate to Federal, State or municipally owned buildings, institutions or plants: *Provided further*, That this act shall not abrogate any existing contract, or effect or change the terms or conditions of any franchise granted by any municipal corporation prior to, and in effect April 28th, 1913.

Comp. Stats., 1921, Vol. 2, ch. 20, p. 1588.

Sec. 3738 (1919). Marking of glassware, manufacturer's bond.—Any and all pieces of testing glassware shipped into or manufactured within the State shall have clearly blown, or otherwise permanently marked, in the side of the bottle, the word " Sealed," and in the side or bottom of the piece the name, initials or the trade-mark of the manufacturer and designating number, which designating number shall be different for each manufacturer and may be used in identifying the bottles. The designating number shall be furnished by the State dairy commission or commissioner upon application by the manufacturer, and upon filing by the manufacturer of a bond in the sum of one thousand dollars, with sureties to be approved by the attorney general, conditioned upon their conformance with the requirements of those sections relating to specifications therefor. A record of the bonds furnished the designating numbers, and to whom furnished, shall be kept in the office of the State dairy commission or commissioner.

Sec. 3739. Penalty.—Any manufacturer who sells testing glassware to be used in this State that fails to comply with the specifications in the section relating thereto, shall suffer the penalty of five hundred dollars, to be recovered by the attorney general in an action against the offender's bondsmen, to be brought in the name of the people of the State.

Sec. 3740. Inspection and tests.—(*a*) State inspectors of dairy products are required to examine all glassware in creameries, cream stations and in all other places where milk or cream is bought or sold

by test, as provided in this act, for butter-fat, and determine whether such glassware is properly marked and sealed, and shall be required from time to time to collect samples of glassware to be calibrated and examined by the experiment station chemist of Oklahoma, for the purpose of determining the capacity of the graduated portions of the necks of test bottles and whether or not the glassware meets all the provisions of the sections pertaining thereto.

(b) All users of glassware where milk or milk products are bought or sold on a butter-fat test, shall be required to submit, within ninety days after this act shall go into effect, all pieces of glassware to be used by them to the experiment station chemist of Oklahoma, to be calibrated, and such pieces as pass inspection shall be permanently marked with the letters "S. D. C." and returned at the owner's expense: *Provided*, That nothing in this act shall apply in case of violations of provisions in this section.

Sec. 3741. Standard test bottles.—The standard test bottles for milk shall have a capacity of two cubic centimeters for each ten per cent marked on the necks thereof.

The necks of the standard milk test bottles shall be graduated from zero to ten per cent and the graduated scale shall be seventy-five millimeters in length, with an allowable tolerance of five millimeters either above or below. The graduated scale shall be plainly divided into per cent and fifty per cent divisions by lines of different lengths. Each per cent graduation shall be numbered and the tolerance for the entire graduated scale or for either half thereof shall not exceed one-tenth of one per cent.

(*a*) Milk pipettes shall deliver 17.6 cubic centimeters of distilled water, the last drop being expelled by pressing the finger over the suction tube and holding the bulb of the pipette in the hand.

(*b*) When filled with water at 20° C. delivery shall be in 4 to 8 seconds. The tolerance in excess of [or] deficiency shall not exceed 0.05 cubic centimeters.

(*c*) Cream Test Bottles: Cream test bottles shall be of three types and shall comply with the following specifications:

Type A—Fifty per cent, 9 gram, 6 inches, one-half per cent graduation: Each ten per cent of the neck of the bottle shall represent a volume of one cubic centimeter.

The neck of the bottle shall be graduated from zero to fifty per cent and the graduated scale shall be ninety millimeters in length, with an allowable tolerance of ten millimeters above or below. The graduated scale shall be plainly divided into five per cent, one per cent and one-half per cent divisions by lines of different lengths. Each five per cent or ten per cent graduation shall be numbered. The allowable tolerance for calibration shall not exceed one-half per cent for the entire graduated scale or for either half thereof.

Type B—Thirty per cent, eighteen grams, six inches one-half per cent graduations: Each five per cent on the neck of the bottle shall represent a volume of one cubic centimeter. The neck of the bottle shall be graduated from zero to thirty per cent, and the graduated scale shall be seventy-five millimeters in length. All other specifications are to be the same as type A.

Type C—Fifty per cent, 18 grams, 9 inches, one-half per cent graduations: The neck of the bottle shall be graduated from zero to

fifty per cent and the graduated scale shall be one hundred and twenty-five millimeters in length, with an allowable tolerance of five millimeters, either above or below, each five per cent on the neck of the bottle shall represent a volume of one cubic centimeter. All other specifications are to be the same as for type A.

Sec. 3742. Testing dairy products.—It shall be unlawful for any person, by himself, his servant or agent, or as the servant or agent of another, to falsely manipulate or underread or overread or make any false determination by the test as provided in this act, or any other contrivance used for determining the quality or value of milk or cream delivered to a creamery, cheese factory, cream receiving station, ice cream factory, or at any other place when sold or purchased. Cream shall be tested by weight only.

All tests must be free from curd, charr or other foreign matter, and shall be read at a temperature of 130 degrees to 140 degrees F. and glymol shall be used to reduce the meniscus, before the reading is taken on cream tests.

Sec. 3743. Cream sales.—Cream test scales shall be sensitive and accurate to one-tenth part of one gram. The test of accuracy shall be made by noting the action of the scale when a 100 mg. weight is placed on the pan when the scale is in a balanced position.

Sec. 3744. Penalty.—Anyone violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined not less than twenty-five dollars, nor more than fifty dollars, or imprisoned in the county jail for thirty days, or both such fine and imprisonment.

Comp. Stats., 1921, Vol. 2, ch. 63, p. 2665.

Sec. 7621 (1908). Screening coal; weighing same; penalty.—It shall be unlawful for any mine owner, lessee, or operator of coal mine employing miners who are paid by the quantity of coal mined by them, to use any other than a recognized standard scale or to pass the output of coal mined by said miners, over any screen or any other device until the same shall have been weighed and duly credited to the miner sending the same to the surface and accounted for at the legal rate of weights, * * * and any owner, agent or operator of any coal mine who shall knowingly violate any of provisions of this section, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than two hundred nor more than five hundred dollars for each offense, or by imprisonment in the county jail for a period of not less than sixty days nor more than six months or by both such fine and imprisonment.

Sec. 7623 (1907–8). Checkweighman, rights of.—The miners employed by or engaged in working for any mine owner, operator or lessee of any mine in this State, shall have the privilege, if they desire, of employing, at their own expense, a check-weighman, who shall have equal rights, powers and privileges in the weighing of coal with the regular weighman, and shall subscribe to the same oath as regular weighman. Said oath shall be kept conspicuously posted in the weigh office and any regular weigher of coal or person so employed who shall knowingly violate any of the provisions of this or the next preceding section, or any owner, operator or agent of any coal mine in this State who shall forbid or hinder miners employ-

ing or using check-weighman, in the discharge of his duties, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars for each offense or by imprisonment, of not less than thirty days nor more than six months. Whenever the chief mine inspector shall be satisfied that the provisions of this section have been so violated it shall be his duty to prosecute the person guilty thereof.

Sec. 7624 (a1910). Standard scales; fraudulent weighing.—Every owner, operator or agent of any coal mine in this State employing miners at bushel or ton rates, shall provide at such mine accurate and suitable scales, of standard manufacture, upon which shall be accurately weighed all coal coming out of such mine before being screened or placed in railroad cars; said scales to be located at a reasonable distance from the point where the coal is delivered to the surface opening of the mine; and any owner, agent or operator, having or using any scales for the purpose of weighing the product of the miner's labor, who shall by arrangement or construction of scales or by any contrivance therewith connected, causes any fraudulent weighing of such coal, or who shall knowingly resort to, permit or employ any person or means whatever, by reason of which said product of the miners' labor is not correctly weighed and the true weight reported in accordance with the provisions of this article, shall be deemed guilty of a misdemeanor, and shall upon conviction for each offense be punished by a fine of not less than two hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail for a period of not less than sixty days nor more than six months, or by both such fine and imprisonment.

Sec. 7625 (1908). Inspection of mine scales; penalty.—The chief mine inspector and assistant mine inspector, shall be ex-officio inspectors of weights, measures and scales used at coal mines, and it shall be their duty to test all scales, and if defects or irregularities are found in such scales which prevent correct weights and measurements, the inspector shall call the attention of the mine owner, agent or operator to said defects, and shall direct the same be at once properly adjusted and corrected, and if such owner, agent or operator shall refuse to put such scales in proper adjustment and condition, so that the same shall correctly weigh the coal, after being notified by the inspector to do so, such owner, agent or operator shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined not exceeding five hundred dollars or be confined not exceeding six months in the county jail, or both.

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Oregon Laws, 1920, Vol. 2, Title 43, ch. 10, p. 3085.

Sec. 8112 (1854). Standards established.—The weights and measures, together with the scales and beams, and those made in conformity therewith, which are now or may hereafter be deposited in the treasury of this State, shall be preserved by the treasurer [1] and be the public standards in this State.

Sec. 8083. Treasurer of State to be sealer.—The treasurer of the State shall be the sealer of weights and measures, and he shall have and keep a seal, which shall be so formed as to impress the word "Oregon" upon the weights and measures, scales, and beams, to be sealed by him, with which he shall seal all such authorized public standards of weights and measures, and all the weights and measures, scales and beams, to be provided by the several counties when examined by said treasurer and found to be in conformity with the standard weights and measures, scales and beams, aforesaid.

Sec. 8084 (1913). Deputy State sealer, authority of.—The State treasurer shall appoint a deputy State sealer of weights and measures who shall have authority throughout the State to test such scales, weights, measures, or any device used to ascertain the quantity of any commodity, and to enter any place of business at all reasonable hours for such purpose of ascertaining whether the law is being complied with in relation to the use of weights and measures or the giving of full weight and measure in trade.

Sec. 8085. Supervisory control.—It will be the duty of the deputy State sealer of weights and measures to exercise general supervisory control over the inspection of weights and measures in use throughout the State, and to investigate all trades and trade customs or practices of every description which have a tendency in his judgment toward dishonesty in the use of weights and measures or in the buying or selling of any commodity by weight or measure.

Sec. 8086. Violation; duty of deputy State sealer in.—It shall be the duty of the deputy State sealer of weights and measures whenever he has knowledge of the violation of any State law relating to the subject of weights and measures to institute or cause to be instituted criminal proceedings for the prosecution of any person, firm or corporation responsible for such violation of the law.

Sec. 8087. Violation, proceedings under.—It shall be the duty of the prosecuting attorney in each district to represent the State in any procedure for the violation of the State law brought under this act.

Sec. 8088. Standards, testing and sealing of.—It shall be the duty of the deputy State sealer of weights and measures to try, prove and seal with the seal of the State all proper standards sent to him by the

[1] See Laws, 1923, ch. 271, infra, by which the duties of the State treasurer in the capacity of State sealer of weights and measures are to be transferred to the State market agent after the expiration of the incumbency of the present State treasurer.

properly authorized sealer of any county, municipality or town within the State.

Sec. 8089. Purchase of standards and equipment.—The State sealer of weights and measures is hereby authorized to procure at the expense of the State such standards and other equipment as may be necessary for the proper execution of the duties under this law, and to procure and use such standards only as have been passed upon as correct by the National Bureau of Standards of the United States, and such other standards that have heretofore been adopted or may hereafter be adopted by the State of Oregon.

Sec. 8090. Standards, testing and proving of.—The standards in possession of the State sealer of weights and measures obtained through and passed upon by the National Bureau of Standards of the United States, shall be at least once in ten years tested by the National Bureau of Standards, and such standards shall be known and recognized as the State standards of Oregon.

Sec. 8091. Assistants, appointment of.—The State sealer of weights and measures is further authorized and empowered to appoint such assistant and clerical aid as may be necessary to place in practical operation the provisions of this act.

Sec. 8092. Report.—It shall be the duty of the State sealer of weights and measures to embody in his biennial report the proceedings under this act, accompanied with a detailed statement of expenses thereof, and such other information or recommendations as he may deem proper.

Sec. 8093 (1915). Weights and measures districts, how formed; district sealer, appointment of; counties pay salary and expenses pro rata.—That the State treasurer, as State sealer, is hereby authorized and directed to divide the State into not to exceed four weights and measures districts; said districts to be formed from counties contiguous to each other; he shall appoint a person residing in each of said districts as his deputy under the name and title of district sealer of weights and measures.

Said district sealer shall receive his actual traveling expenses and a salary of not to exceed one hundred dollars per month; said expenses and salary shall be paid pro rata by each of the counties comprising the district, upon certification of the State treasurer, as to amount due: *Provided, however*, That such expenses as may be incurred by the district sealer shall not exceed eight hundred and fifty dollars in any one district in any one year.

Upon receipt of the certificate of the State treasurer showing the amount due from his county for the services of said district sealer, the county clerk of that county shall draw a warrant for said amount upon the county treasurer in favor of said district sealer in the same manner that warrants are drawn for the payment of salaries of county officers.

Sec. 8094. Pro rata share based on population.—The pro rata share of each county shall be apportioned by the State treasurer, according to the population of the several counties comprising the district as shown by the last regular United States census: *Provided*, That any city that may or does provide for local inspection shall not be included as a part of the population of that county within which it is located.

Sec. 8095. Rearrangement of districts.—The State sealer may, at any time when in his best judgment he deems it advisable for the more efficient or economical administration of the law, change or rearrange the counties comprising the districts: *Provided*, That such change or rearrangement will require not more than four districts, as heretofore mentioned.

Sec. 8096. Provide for keeping equipment.—The county court of that county within which the district sealer has his residence shall provide such district sealer with a suitable and convenient place for keeping such standards or equipment as may be necessary.

Sec. 8097. Removal of district sealers; duties.—The district sealers shall serve at the direction and under the supervision of the State treasurer, as State sealer, and may be removed by him for incompetency, inefficiency or inattention to duty. All duties required by law to be discharged by county sealers in connection with the supervision of weights and measures, or authority delegated to them, shall, from and after the taking effect of this act, be discharged by the said district sealers.

Sec. 8098. Deputy State sealer; duties.—Under the direction of the State treasurer, as State sealer, the deputy State sealer shall have and keep general supervisory control over inspection of weights and measures, and weighing and measuring devices, offered for sale, sold, or in use in the State. He, or district sealers at his direction, shall, upon the written request of any citizen, firm, corporation or educational institution in the State, test or calibrate weights, measures, and weighing or measuring devices used as standards in the State. He, or district sealers at his direction, shall, at least once annually, test the scales, weights and measures used in checking the receipts or disbursements of supplies in every State institution for the maintenance of which moneys are appropriated by the legislature, and he shall report in writing his findings to the State board of control and to the executive officer of the institution concerned. He shall, at the request of such State board of control or executive officer of any State institution, appoint, in writing, an employee then in the actual service of such institution, who shall, without receiving additional compensation, act as special deputy, for the purpose of checking the receipts and disbursements of supplies.

Sec. 8099 (1913). Testing, sealing and condemning.—It shall be the duty of the county [district] sealer of weights and measures, within the county [district] for which he is appointed, to visit at least once in each year during his term of office every place of business where any scale, weight or measure, or any device for ascertaining the quantity of any commodity, is kept for the purpose of trade, and try, test and prove such scale, weight, or measure, or such device for ascertaining the quantity of any commodity, and where they are found to be accurate shall seal the same with the seal to be kept by him for that purpose, and when found to be inaccurate shall condemn the same and mark with a tag forbidding the further use thereof until made to comply with the county standards: *Provided*, That where, in the judgment of the county [district] sealer of weights and measures, such scale, weight, or measure, or device for ascertaining the quantity of any commodity is needed for use as evidence in the trial of any case, he shall take the same into his

possession there to await a decision of a competent court of justice, who shall, in addition to any other penalty provided by law, order the destruction thereof where it appears that the same was used with intent to defraud or is incapable of repair or correct adjustment.

Sec. 8100. Reports.—It shall be the duty of the county [district] sealer of weights and measures to file with the county court and the State sealer of weights and measures not later than the first day of September of each year a report covering the activities of his office for the preceding year, together with a statement of the expenses thereof, and such other information or recommendations as may be proper, or the State sealer of weights and measures may require.

Sec. 8101. Criminal proceedings, instituting.—It shall be the duty of the county [district] sealer of weights and measures, whenever he has knowledge of the violation of any State law relating to the subjects of weights and measures, to institute criminal proceedings for the prosecution of any person or persons, firm or corporation responsible for such violation: *Provided, however*, That none of the provisions of this act shall be so construed as to give any county [district] sealer the right to exercise his authority within the corporate limits of any city located within the bounds of the county for which such county [district] sealer shall have been appointed where such city has provided, or may hereafter provide, by ordinance, for the appointment of a city sealer of weights and measures.

Sec. 8102. Salaries and expenses, how paid.—The salary and expenses of the deputy State sealer of weights and measures required to enforce the provisions of this act, the salary of the assistant deputy State sealer and stenographer, which assistant deputy and stenographer the State sealer is hereby authorized to employ in his discretion, and all other expenses of every kind incurred in carrying out the provisions of this act shall be paid from the general fund of the State in the same manner as other State salaries and expenses are paid.

Sec. 8103. Ordinances not limited by act.—None of the provisions of this act shall be construed as in any way limiting the rights of any city regularly incorporated, within the State, to enforce any ordinance, or ordinances, which it may have heretofore, or any hereafter enact, providing for the sealing of weights and measures, or regulating the method of sale of any commodity usually sold by weight or measure, unless such ordinance or ordinances are in conflict with the standards of weights and measures as adopted by this State.

Sec. 8104 (1915). Tolerances and specifications; unlawful to use different weights and measures.—The deputy State sealer shall prescribe such tolerances and specifications for weights or measures as he may, in his judgment, deem necessary for the proper protection of the public, and it shall be unlawful for any person to offer or expose for sale, sell or use such weights or measures for commercial purposes as are made contrary to such specifications or that do not come within the prescribed tolerance: *Provided, however*, That such tolerances and specifications as he may prescribe shall conform to any statute of the State relating to same, or to such as have been recommended by the National Bureau of Standards. Such tolerances and specifications, when prescribed, shall be followed in making all inspections

and tests throughout the State. A weight or measure defined as correct shall be understood and construed to mean only such one as conforms to the "standard" within the tolerance prescribed and which complies with such specifications as are applicable to it; all other weights or measures shall be understood and construed to be incorrect, and in violation of law.

Sec. 8105. Weights and measures condemned for repairs; confiscation of, when; destruction of, when.—Such weights or measures as are incorrect and yet may be repaired, shall be marked or tagged as "condemned for repairs," and the owners or users shall have the same repaired within such time as the deputy State sealer or the district sealer may require, and any weight or measure or weighing or measuring device that has not been repaired within the required time may be confiscated and such weight or measure as is, in their best judgment, not susceptible to satisfactory adjustment or repair may be taken into their possession, and shall be held for a period of thirty days next ensuing, at the expiration of which time, if no action at law or suit in equity has been brought for the recovery of the same, it may be destroyed.

Sec. 8106. Scale out of balance.—It shall be unlawful for any person to have in his possession, maintain for use or use any scale for commercial purposes, which is out of balance.

Sec. 8107. Weights and measures not sealed.—It shall be the duty of the district sealers to seal all such weights and measures and weighing and measuring devices as are found correct, after test, with an appropriate seal, the design for which shall be furnished by the deputy State sealer: *Provided, however*, That weights used in connection with scales, graduates, milk bottles and similar glass measures need not be sealed.

Sec. 8108. Represent State.—It shall be the duty of the district attorney in each district to represent the State in any procedure for the violation of the State law brought under this act.

Sec. 8109. Certain State regulations shall be followed.—None of the provisions of this act shall be construed as in any way limiting the right of any city regularly incorporated within the State from enforcing any ordinance or ordinances which it may have heretofore or may hereafter enact relating to weights and measures: *Provided, however*, That such ordinance shall not establish standards of weight or measure in relation to the sale of commodities other than such as will conform to those adopted by the State: *And be it further provided*, That such specifications, tolerances and regulations appertaining to the testing, sealing, condemning or confiscation of weights, measures or weighing or measuring devices established or adopted by the State shall be followed by such city in making inspections and tests.

Sec. 8110. Special sealers may enforce State laws.—The State sealer and the deputy State sealer of weights and measures shall have such authority as is authorized and conferred upon them within the limits of such city, and the State sealer is hereby authorized, at his discretion, to appoint as special sealers, the person or persons who may, for the time being, hold the position of city sealer or deputy city sealer, within such city, to enforce the provisions of this act within the limits of such city, and such person or persons so appointed shall receive no additional compensation therefor.

Sec. 8111. Authority limited.—None of the provisions of this act shall be construed as in any way authorizing or empowering a district sealer to exercise any authority conferred upon him, within such city, so having provided for local inspection of weights and measures.

Sec. 8113. Dry measures; unlawful to use; to sell by net weight or numerical count; boxes and baskets; contracts.—From and after the passage and adoption of this act, it shall be unlawful to use or employ any dry capacity measure as a means to determine the amounts[2] or quantities of commodities offered or exposed for sale or sold.

All commodities heretofore commonly sold by dry measure shall, from and after the taking effect of this act, be sold upon the basis of net weight or by numerical count.

Dry capacity measures, within the meaning of this section, shall be construed to be the bushel, half-bushel, peck, half-peck, quarter-peck, quart, pint, half-pint and similar measures.

Boxes, baskets and similar containers, the capacities of which have been established by law, shall not be construed as being dry capacity measures.

Any and all existing contracts in which quantities are estimated or arrived at by dry capacity measure or from the bushel weights as at present established by law shall be in force until matured: *Provided, however*, That all contracts made after the taking effect of this act shall establish the amounts or quantities of commodities contracted for therein by net weight or numerical count.

Sec. 8114. Dry commodity by liquid measure.—It shall be unlawful to offer or expose for sale or sell any dry commodity by liquid measure.

Sec. 8115. Sale of firewood, coal and ice.—Firewood shall be sold by the cord or fraction of a cord; coal shall be sold by the ton or fraction of a ton; ice shall be sold by weight, and in all sales of firewood, coal or ice a definite statement shall be made to the purchaser as to the amounts or quantities thereof.

Sec. 8116. Coal, carload shipments, net weight governs.—In all shipments of coal received within this State, in carload lots containing twenty-five tons or more, the net weight of the coal at the destination point shall govern, unless expressly contracted for otherwise.

Sec. 8117. Capacity of fuel tanks, range boilers.—When the capacity of fuel tanks, range boilers or similar receptacles is marked thereon, such mark or marks shall indicate the true capacity.

Sec. 8118. Oysters, how sold.—It shall be unlawful to offer or expose for sale or sell any shelled oysters, uncooked, in any other manner than by numerical count, weight, or standard liquid measure, and it shall be unlawful to include, as a part of the weight or the measure, any water or liquid in any greater amount than sixteen per cent of the weight or measure of the oysters offered or exposed for sale or sold; within the meaning of this section, to determine the amount of water or liquid included, the oysters shall be well drained.

Sec. 8119. Less than quantity represented.—It shall be unlawful for any person or persons, to offer or expose for sale or sell less than the quantity represented, or who, as the buyer, furnished the weight or measure by means of which the amount of the commodity is deter-

[2] See also sec. 8138.

mined, to take more than the quantity represented or to sell any commodity in a manner contrary to law.

Sec. 8120 (1913). False certificate of weight.—It shall be unlawful for any person, firm or corporation, owning or operating any scale for hire or award, to give a false certificate of weights to any person, firm or corporation, and every person, firm or corporation owning or operating a scale for hire or award shall keep a record of all weighings made, and shall on demand of the party interested, report the correct weight in writing of any article or articles to the owner or purchaser thereof.

Sec. 8121. False certificate of weight.—It shall be unlawful for any person, firm or corporation using any scale, weight or measure, or any device for ascertaining the quantity of any commodity, to give any false certificate, or make any false statement as to the weight or measure of such commodity, to any person whereby such person, or any other person, firm or corporation shall suffer loss or injury.

Sec. 8122 (a1915). Net weight required.—It shall be unlawful, in selling any commodity by weight or measure, to include the weight or measure of anything other than the weight or measure of such commodity so sold: *Provided, however*, That this shall not be so construed as to interfere with the right of contract as between parties. It shall be unlawful for any person, firm or corporation to use any false weight or measure, or to sell any commodity at a greater weight or measure than its true weight or measure, or where the buyer is the weigher or measurer, to take any greater weight or measure than the true weight or measure.

Sec. 8123 (1913). Interfering with officer.—It shall be unlawful for any person to interfere in any way with any officer charged with the enforcement of the provisions of this act while such officer is engaged in the performance of his duty, as herein provided, or to alter, erase, change or remove any tag or seal placed by such officer in the performance of his duty upon scale, weight or measure.

Sec. 8124. Cord of wood.—The standard of a cord of wood within the State shall be one hundred and twenty-eight cubic feet of wood, well piled.

Sec. 8125. Standard ton of coal; long ton.—The standard for a ton of coal, within this State, shall be two thousand pounds, avoirdupois weight, unless the so-called long ton, twenty-two hundred forty pounds, is expressly contracted for.

Sec. 8126 (a1917). Standard boxes for berries.—The standard boxes or baskets used in the sale of strawberries, blackberries, loganberries, raspberries, or similar berries, shall be of the interior capacity of sixty-seven and two-tenths cubic inches (dry quart) or thirty-three and six-tenths cubic inches (dry pint) or sixteen and eight-tenths cubic inches (dry one-half pint). And it shall be unlawful to offer or expose for sale or sell strawberries, blackberries, loganberries, raspberries, or similar berries, in boxes or baskets of other than standard size: *Provided*, That nothing within this section shall be construed as in any way preventing the sale of strawberries, blackberries, loganberries, raspberries, or similar berries, by weight or in boxes or baskets of greater capacity than sixty-seven and two-tenths cubic inches.

Sec. 8127. Commodities in package form to have net contents marked.—It shall be unlawful to keep, for the purpose of sale, offer or expose for sale, or sell any commodity in package form, unless the net quantity of the contents be plainly and conspicuously marked on the outside of the package, in terms of weight, measure, or numerical count: *Provided, however*, That reasonable variation or tolerance shall be permitted and that these reasonable variations or tolerances and regulations shall be made and enforced by the State sealer of weights and measures: *Provided further*, That this section shall not be construed to apply to those commodities in package form, the manner of sale of which is specifically regulated by the provisions of other sections of this act.

Sec. 8128. False weight or measure, prima facie evidence, when.—In all prosecutions for the violation of any laws relating to weights or measures, the possession of a weight or measure, or weights or measures, which has been altered, changed, or in any manner tampered with so that the same shall give a false or wrong weight or measure in either buying or selling any commodity, shall be prima facie evidence of the guilt of the person having the same in possession.

Sec. 8129. Automatic measuring pumps, test of; short measure prima facie evidence.—Every person who uses an automatic measuring pump or any pump which is used to measure the amount of any liquid sold shall keep a standard measure and test such pump as to its accuracy in measuring such liquid and keep the same in such condition as to accurately measure any liquid sold therefrom at all times and the delivery or sale of short measure from any such pump shall be prima facie evidence of the guilt of the person owning or operating the same.

Sec. 8130. Impersonating.—It shall be unlawful for any person to impersonate any deputy State sealer or district sealer of weights and measures and any person so doing shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties as provided in section 8133 of which this section is a part.

Sec. 8131 (1913). Penalties.—Any person or persons violating any of the provisions of chapter 325, Laws of 1913, [sections 8084 to 8092, inclusive, 8099 to 8103, inclusive, 8120 to 8125, inclusive] shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five dollars nor more than five hundred dollars, or imprisonment in the county jail for not less than five days nor more than ninety days, or by both such fine and imprisonment.

Sec. 8132 (1915). Violation, penalty.—Any person who, by himself or by his servant or agent, or as the servant or agent of another person, violates any of the provisions of chapter 162, Laws, 1915 [sections 8093 to 8098, inclusive, and 8126], shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than five hundred dollars, or imprisonment in the county jail for not less than five days nor more than ninety days, or by both such fine and imprisonment.

Sec. 8133. Violation, penalty.—Any person or persons who violate any of the provisions of chapter 161, Laws of 1915, [sections 8104 to 8111, inclusive, 8113 to 8119, inclusive, 8127 to 8130, in-

clusive] shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than five hundred dollars, or imprisonment in the county jail for not less than five nor more than ninety days, or by both such fine and imprisonment.

Sec. 8134. Terms defined.—The word "person or persons" as used in this act, shall be construed to include the officers, directors, agent or agents of any corporation, company, society or association. The words "weight or measure and weights or measures" shall be construed to include weights, scales, beams, measures of any kind, instruments and mechanical devices for weighing or measuring, and any appliances or accessories connected with any and all such instruments.

Sec. 8135 (1917). Jurisdiction.—In all prosecutions arising under sections 8084, 8125 and 8131–8134, justices of the peace shall have concurrent jurisdiction with the circuit courts.

Sec. 8136. Standard barrel for cranberries.—The standard barrel [3] for cranberries shall be of the following dimensions, when measured without distension of its parts: Length of staves, twenty-eight and one-half inches; diameter of head, sixteen and one-fourth inches; distance between heads, twenty-five and one-fourth inches; circumference of bulge, fifty-eight and one-half inches, outside measurement; and the thickness of the staves not greater than four-tenths of an inch.

Sec. 8137. Subdivisions of barrel.—All cranberries offered for sale shall be packed in a standard cranberry barrel, or a legal subdivision thereof, such as half-barrel, a third-barrel, or box which shall have the cubical contents of a half-barrel, or third-barrel.

Sec. 8138. Less than one-third barrel, how sold.—Cranberries, when offered for sale in quantities less than a third-barrel, may be sold by dry measure; that is, by quart, pint, and similar measures.

Sec. 8139. Sold in containers, when.—Cranberries may be sold in containers or cartons, holding four quarts, two quarts, one quart, or one pint, and upon the containers or cartons shall be printed the cubical contents of such containers and cartons.

Sec. 8140. Penalty.—Any person or persons who violate any of the provisions of this act [sections 8136–8141] shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five dollars nor more than fifty dollars, or imprisonment in the county jail for not less than five nor more than thirty days, or both such fine and imprisonment.

Sec. 8141. Terms defined.—The word "person" or "persons," as used in this act, shall be construed to include the officers, directors, agent or agents of any corporation, company, society or association.

Sec. 8142. Flour; standard weight of barrel and subdivisions.—There shall be a standard weight for a barrel of flour, or subdivisions thereof, known as the half, quarter and eighth barrel, when sold in the sack.

Sec. 8143. Weights prescribed.—The standard weight of a barrel of flour shall be 196 pounds, net weight, avoirdupois. The standard weight of one-half barrel of flour shall be ninety-eight pounds, net

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[3] See footnote, p. 20, relative to the Federal standard barrel.

weight avoirdupois. The standard weight of one-quarter barrel of flour shall be forty-nine pounds, net weight, avoirdupois. The standard weight of one-eighth barrel of flour shall be twenty-four and one-half pounds, net weight, avoirdupois.

Sec. 8144. Bale of flour.—There shall be a standard weight for a bale of flour, or subdivisions thereof, when sold in the sack.

Sec. 8145. Weight of.—The standard weight of a bale of flour shall be ninety-eight pounds, net weight, avoirdupois, or ten sacks, weighing nine and eight-tenths pounds each, net weight, avoirdupois.

Sec. 8146. Sacks not standard prohibited.—It shall be unlawful to expose for sale or sell in the sack, flour either white, whole wheat, graham, or rye flour, by the sack in other than the standard sack as herein provided.

Sec. 8147. Penalty.—Any person, firm, or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon the conviction thereof, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars.

Sec. 8148. Enforcement.—It shall be the duty of the State sealer of weights and measures to enforce the provisions of this act.

Sec. 8149. Jurisdiction.—Justices of the peace and district courts shall have concurrent jurisdiction with the circuit courts for the enforcement of this act.

Sec. 8150 (1911). Standard apple box.—There is hereby created and established a standard size for apple boxes for the State of Oregon.

Sec. 8151. Dimensions of.—The standard size of an apple box shall be eighteen inches long, eleven and one-half inches wide, ten and one-half inches deep, inside measurement.

Sec. 8152. Special size of box.—That the special size of apple boxes shall be twenty inches long, eleven inches wide, and ten inches deep, inside measurement.

Sec. 8153 (1913). Weight of sacks of potatoes, standardized.—There shall be a standard weight for a sack of potatoes in the State of Oregon.

Sec. 8154. Weight of sack of potatoes; weight of sack included, when.—In all cases where not otherwise specified by contract, one hundred pounds, inclusive of the weight of the containing bag or sack, shall be the standard weight of a sack of potatoes in the State of Oregon.

Sec. 8155 (1915). Mill feed, how sold.—All mill feed, including crushed and ground grains, bran and shorts, shall be sold by weight within the State of Oregon.

Sec. 8156. Violation.—Any person violating the provisions of this act [section 8155] shall be deemed guilty of a misdemeanor.

Sec. 8157 (1913). Deduction for weight of sack in sale of farm or range products, when made.—That whenever wheat, rye, Indian corn, oats, barley, clover seed, buckwheat, alfalfa seed, timothy seed, field peas seed, dried apples, dried peaches, dried prunes, potatoes, pears, wool, mohair or any other farm or range product shall be sold by the bushel or pound or in sacks, and if no special agreement shall be made by the parties to the sale as to what tare or deduction shall be made for the weight of the sacks containing the above produce, no deduction shall be made therefor.

Sec. 8158, as amended by Laws, 1925, ch. 118, p. 173. Measure for hops.—The owner, lessee, manager or person in charge of any hopyard, where hops are being picked, shall cause said hops to be weighed in order to ascertain the quantity of hops picked. It shall be unlawful for any owner, lessee, manager or person in charge of any hopyard, where hops are being picked, to use or employ any other or different method or manner in ascertaining the quantity of hops picked. The owner, lessee, manager or person in charge of any hopyard, where hops are being picked, shall be permitted to deduct as tare not more than three pounds to cover the weight of the sack.

Any person or persons who violate any of the provisions of this act shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not less than five dollars nor more than fifty dollars, or imprisonment in the county jail for not less than five nor more than thirty days, or by both such fine and imprisonment.

Sec. 8159 (1905). Tare on hop sales; weight of baling cloth.—Hereafter in all sales and transfers of hops there shall be allowed and deducted as tare five pounds per bale and no more. Five yards of baling cloth is the maximum quantity to be used making the bale, and the standard weight of each yard of baling cloth is hereby fixed at twenty-four ounces.

Sec. 8160. Weight of sacking when deducted as tare.—Any vendor of hops using heavier sacking than that specified in this section, or using any extraneous matter in the baling thereof, shall have the same deducted as additional tare.

Laws, 1923, ch. 271, p. 394.

Sec. 1. State market agent.—There is hereby established the State market agent.

Sec. 2. Powers and duties.—The powers and duties invested by this act in the State market agent shall be as follows:

1. He shall act as adviser to producers, distributors and consumers, when requested, assisting them to the best of his ability in the economical and efficient distribution of grain and grain products, hay and products thereof, livestock and all meat products, dairy products, poultry and poultry products and agricultural implements produced, manufactured, processed in or transported into the State of Oregon. * * *

6. He shall foster and encourage the inspection, grading, standardizing, labeling and branding of all such products and shall exercise, under the direction of the governor, all the rights, powers and duties vested by law in the public service commission under chapter 333 of General Laws of Oregon of 1917 and amendments thereto, being sections 6112 to 6159, Oregon Laws.

7. He shall promote the standardization of packages and containers for such products. All duties required by law to be discharged by the State treasurer in his capacity as the State sealer of weights and measures, the deputy State sealer of weights and measures and their representatives and employees, shall, upon the expiration of the term of office of the present State treasurer, be discharged by the State market agent, and all laws and regulations now or hereafter

enacted relative to weights and measures and to other standards of quantity shall apply to said State market agent in the same manner and to the same effect as they formerly applied to said State sealer of weights and measures, deputy State sealer of weights and measures, their representatives and employees.

Sec. 10. Funds for State agent.—The State market agent shall be financed by the funds now at the disposal of the public service commissioners under chapter 333 of the General Laws of Oregon of 1917, sections 6112 to 6159 of Oregon Laws; and the funds made available for the work of the State sealer of weights and measures, the deputy State sealer of weights and measures, and their officers and employees; and such additional funds as may be available under this act or any amendments thereto: *Provided*, That the property and funds pertaining to the work of the State sealer of weights and measures shall be retained by the present office during the incumbency of the present State treasurer.

Oregon Laws, 1920, Vol. 1, Title 19, ch. 8, p. 1242.

Sec. 2180–6 (1919). Bread, size of loaves specified; variations permitted.—That no person, firm or corporation shall hereafter manufacture, sell, offer or expose for sale bread, except in the following weights, which shall be net weights twelve hours after baking. One pound, one and one-half pounds, two pounds, three pounds, four pounds and five pounds, or other pound weights. Variations at the rate of one ounce per pound over, and one ounce per pound under above specified unit weights are permitted in individual loaves, but the average weight of not less than twenty-five loaves of any one unit of any one kind shall not be less than the weight prescribed by these regulations for such unit.

Sec. 2180–8. Jurisdiction; prosecutions; enforcement.—Justice courts, district courts and municipal courts sitting as justice courts, shall have concurrent jurisdiction with the circuit courts of all prosecutions arising under sections 2180–6 and 2180–7. The district or county attorney is authorized to institute prosecutions for violation of this act by information, or the same may be instituted by indictment or by complaint verified before any magistrate. It shall be the duty of the dairy and food commissioner to enforce all the provisions of this act.

Sec. 2180–9. Penalty.—Any person who shall violate any of the provisions of sections 2180–6 to 2180–8 shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten dollars nor more than one thousand dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment: *Provided, however*, That upon a second conviction for the violation of any of the provisions of this act such person shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars or by imprisonment in the county jail for not less than ten days nor more than one year, or by both such fine and imprisonment.

Laws, 1923, ch. 268, p. 388.

Sec. 1. "Bedding" defined.—The term "bedding" is defined to include any mattress, upholstered surface or spring, comforts, pad,

cushion, bag, pillow or any other such soft article which supports the body in sleeping or resting.

Sec. 2. "Person" defined.—The word "person" implies individuals, partnerships, companies, corporations, societies, associations or others of any gender, as the case may be.

Sec. 3. Bedding to be marked with weight, measure and quality.—No person shall at wholesale or retail, directly or indirectly, make or repair, sell, offer for sale, deliver, rent, consign, lease or otherwise commercially dispose of or have in his possession with intent to dispose of any article of bedding not plainly and indelibly labeled with a cloth or cloth-lined tag, not smaller than three inches square, securely sewed at least on one edge into the outseams of the article, truthfully setting forth in the English language its contents, weight, measurements, amounts by weight of each kind of material, whether new, shoddy or waste or second-hand, in whole or in part, used in its manufacture, with the name and address of the manufacturer or vendor thereof, or both. All invoices or other instruments of delivery shall set forth the true description of the merchandise that passes, as enumerated on the labels. Example: "—6-35 lb. Prime Java-Kapok 4/4 Mattresses, @ 15.00—90.00."

Sec. 8. Form of label.—The general form of label covered by this act to be as follows:

This article is made in compliance with the act of the State of Oregon, approved —— day of ———, 19—.

Materials Used in Manufacture

Manufactured of ———.
All new material.
Second-hand material, waste material, shoddy.
Remade of owner's material with —— lbs. new or second-hand.
Covering—New or second-hand.
Grade —— oz. Sheeting ——, drill ——, sateen, etc.
15 lbs. Prime Java-Kapok
25 lbs. Cotton Linters felted } Gross wt. 42 lbs.
40 lbs. Staple cotton felted.
40 lbs. White hair, etc.

——— ———
(Name of maker or vendor)

Sec. 9. Label, removal of.—No person other than a purchaser for his own use shall remove or cause to be removed, defaced, concealed, changed or altered any label or tag or its markings or statements on any article of bedding.

Sec. 10. Label not to be misleading.—No person shall use any terms or other description on any label or tag upon any article of bedding which is likely to mislead or cause inference by the purchaser of any but the truthful contents of same, or use other than the standard definition, practice or terms of classification, where a standard classification exists concerning any commoditiy.

Sec. 11. State sealer to enforce law.—It shall be the duty of the State sealer of weights and measures to supervise and inspect, according to the terms of this act, and to enforce the provisions thereof.

Sec. 12. Supervision and inspection of materials.—Any person engaged in the manufacture of any article of bedding or handling in any way any of the articles as set forth in section 3, or any of the materials that enter into any article of bedding, shall be subject to supervision and inspection by any deputy duly appointed for the enforcement of this act and shall furnish any information that said deputy may deem necessary in the performance of his duty in the enforcement of the act, and he shall admit said deputy to his premises or any part thereof.

Sec. 13. Penalty.—Any person violating any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished for each offense by a fine of not less than twenty-five dollars nor more than one thousand dollars, or by imprisonment in the county jail not to exceed six months, or both such fine and imprisonment. The unit for each separate offense shall be each and every article of bedding as set forth in section 1.

Sec. 14. Permit for making and repairing any article of bedding.—All persons engaged in the making and repairing of any article of bedding must apply to the State sealer of weights and measures for a permit to be issued upon the payment of a twenty-five dollar yearly fee and agree to conduct said business in a sanitary manner and in compliance with this act, said permit to be revocable at any time after thirty days' notice, should evidence of violation or insanitary conditions be apparent to the inspector. The fees so collected shall be paid over promptly to the State treasurer and placed by him in the general fund, and the expenses of the State sealer of weights and measures incurred in carrying out the provisions of this act shall be audited and paid in the same manner as other expenses of said office are audited and paid, but such expenditures shall never be in excess of the fees so collected and paid into said fund.

Sec. 15. Sampling and examining bedding and materials of composition.—The State sealer of weights and measures or his deputy shall sample or open in any way for inspection at any time or place any article of bedding or material he has reason to believe is in violation of this act and, upon examination, should he still be in doubt as to the true nature of the material or article, he shall consult invoices or other instruments or records he may see fit, held by any person, containing any information pertaining to the article or material in question.

Sec. 16. Articles of bedding may be condemned and destroyed, when.—The State sealer of weights and measures, with the concurrence of the State or local health officer, is hereby authorized and empowered to condemn and destroy any article of bedding described in section 3 of this act, which is not labeled as therein provided, or which in their judgment is insanitary.

Sec. 17. District attorney to institute proceedings, when.—Any person or individual who has reason to believe that this act is being violated shall report the facts to the district attorney, whose duty it shall be to institute immediate proceedings for the enforcement of this act.

Sec. 18. Definitions of materials.—For the purpose of this act, "shoddy," "waste" and "second hand" are hereby defined as follows: "Shoddy" shall embrace all materials resulting from the

disintegration of any old fabric. "Waste" shall embrace all discarded materials from mills, garbage, sweepings, waste receptacles, or other possibly contaminated materials. Wastes which are by-products of machines at mills using new raw materials are excepted when free from contamination. "Second hand" shall embrace all material which has been previously used in bedding or otherwise, or material which possibly has been contaminated.

Sec. 19. Repeal.—Sections 8279 and 8282, Oregon Laws, both inclusive, and all acts or parts of acts inconsistent herewith, are hereby repealed.

Oregon Laws, 1920, Vol. 2, Title 46, ch. 1, p. 3239.

Sec. 8724 (1915). Butter, short weight prohibited; net weight to be marked.—It shall be unlawful for any person to sell, offer or expose for sale any short-weight butter within the State of Oregon. All butter sold, or exposed or offered for sale in rolls, prints or squares within the State of Oregon shall be plainly marked with the net weight thereof, and every roll, print or square sold, or offered or exposed for sale shall contain the weight marked thereon.

Oregon Laws, 1925, ch. 246, p. 442.

Sec. 4. Sale of eggs; standards prescribed.—It shall be unlawful for any person, firm or corporation to sell or offer or expose for sale any eggs intended for human consumption without notifying by suitable sign or label the person or persons purchasing or intending to purchase the same of the exact grade or quality and the size or weight of such eggs, according to the grades prescribed herewith:

(*a*) A fresh egg is an egg of recent production, clean, full, with "fixed air space" of not more than three-eighths of an inch in depth, sweet, strong of body and unimpaired in quality. The albumen must not appear watery. A larger air space with a movable lower line indicates a stale egg, or one that is becoming weak and watery.

(*b*) A fresh standard egg is a fresh egg, as defined in paragraph (*a*), weighing not less than one and five-sixths ounces.

(*c*) A fresh medium egg is a fresh egg weighing not less than one and seven-twelfths ounces.

(*d*) A fresh undersized egg is any fresh egg weighing less than one and seven-twelfths ounces.

(*e*) All standard eggs, medium eggs and undersized eggs shall be packed separately and the grade plainly marked on the end of the case, showing the particular grade of eggs in the case.

(*f*) Undergrade eggs are good, edible eggs, but with an air space more than three-eighths of an inch in depth and not good enough to grade as standard in the different classifications herewith defined.

Sec. 5. Marking container.—When eggs are removed from the original container for resale, the true grade of said eggs must be stamped upon the subsequent container in letters not less than one-third inch in height. If placed on display for sale, a sign must be placed immediately over said eggs in letters not less than one inch in height, giving the true grade of said eggs. When eggs are sold in lots of half cases or more, the container must be marked, showing plainly and truly the grade or grades of eggs therein contained and an invoice must accompany said sale plainly and truly indicating the grade or grades of eggs sold: *Provided*, That the provisions of

this act shall not apply to any eggs being handled for, or in transit to, or sold to dealers in commercial centers to be candled and graded, but all such eggs offered for sale in half cases or more shall be plainly stamped or branded "Not candled" upon the outside of the container in letters one inch in height. The word person, as used in this act, shall mean and include individuals, firms and members of firms, and their employes or agents, corporations and officers of corporations and their employes and agents.

Sec. 6. Enforcement.—It shall be the duty of the dairy and food commissioner to enforce the provisions of this act and to make such rules and regulations as may be necessary for the enforcement of the act.

Sec. 7. Penalty.—Every person who violates any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction for the first offense, shall be punished by a fine of not less than ten dollars and not more than one hundred dollars and for each subsequent conviction thereof shall be punished by a fine of not less than twenty-five dollars and not more than two hundred dollars.

Oregon Laws, 1920, Vol. 1, Title 19, ch. 9, p. 1297.

Sec. 2234 (a1917). Specific gravity of gasoline; labeling of cask.—It shall be unlawful for any manufacturer, dealer or vendor to sell or offer for sale any petroleum product known as gasoline that has a specific gravity of less than fifty-six degrees as measured by the Baumé hydrometer at a temperature of sixty degrees Fahrenheit; and each manufacturer, dealer or vendor of gasoline shall brand or label every cask, barrel or car containing such products with figures denoting the specific gravity and the word "Gasoline" in large plain letters at least one and one-half inches in size.

Sec. 2235. Penalty for violating preceding section.—Any person, corporation or company who shall offer for sale any gasoline contrary to the provisions of this act or shall be in possession or control of any gasoline held for sale, not labeled as provided by section 1 [section 2234] of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or be sentenced to the county jail for a period not exceeding six months; and in addition to said fine or punishment said gasoline shall be condemned and destroyed by order of the court having jurisdiction of the offense.

Sec. 2236. Justices' courts have jurisdiction of offenses.—Justice and district courts shall have jurisdiction of all offenses arising under this act.

Sec. 2236–1 (1917). Enforcement of act.—It shall be the duty of the State sealer of weights and measures to enforce the provisions of this act.

Laws, 1921, ch. 371, p. 707.

Sec. 38. Models and weights.—Every manufacturer of a motor vehicle, trailer, semitrailer or motor bus, sold or offered for sale within this State, either by the manufacturer, distributor, dealer or any other person shall, on or before the first day of August, one thousand nine hundred twenty-one, and annually thereafter, and at such

other times as may be required by the secretary of state, file in the office of the secretary of state of this State a sworn statement showing the various models manufactured by him and the weight of each model as of August first of that year, and shall furnish such other information as the secretary of state may require for the efficient administration of this act: *Provided*, The secretary of state may accept the weight of any motor vehicle, motor truck, trailer, semitrailer or bus trailer as taken on a scale, which scale has been inspected and sealed by the State sealer of weights and measures or his duly appointed deputies.

Oregon Laws, 1920, Vol. 2, Title 46, ch. 1, p. 3239.

Sec. 8744 (1915). Concentrated commercial feedstuffs; net weight to be marked.—Every lot or parcel of concentrated commercial feedstuffs, as defined in section 8746 [8745], used for feeding farm livestock, sold or offered or exposed for sale within this State, shall have affixed thereto, in a conspicuous place on the outside thereof, a plainly printed statement, clearly and truly certifying the name, brand or trade-mark, under which the article is sold for feeding purposes, the name and address of the manufacturer, importer, or dealer, the net weight of the package, * * *

Sec. 8748. Net weight to be marked on package.—Every lot, parcel or package of medicinal stock food, as defined in section 8748 [8747], sold, offered or exposed for sale or distribution within this State, shall have affixed thereto, a label in a conspicuous place on the outside thereof, containing a legible and plainly printed statement in black ink, in the English language, clearly and truly certifying:

(*a*) The net weight of the package.

(*b*) The name, brand or trade-mark.

(*c*) The name and principal address of the manufacturer or person responsible for placing the commodity on the market. * * *

Oregon Laws, 1920, Vol. 2, Title 47, ch. 22, p. 3330.

Sec. 9019 (1907). Fertilizers; weight to be marked on package.—(*a*) Every lot, parcel, or package of commercial fertilizers or materials to be used for manurial purposes (excepting the excreta of domestic animals) sold, offered or exposed for sale within this State, the selling price of which exceeds five dollars per ton, shall be accompanied by a plainly printed label, stating the name, brand and trade-mark, if any there be, under which the fertilizer is sold, also the number of net pounds of fertilizer contained in the packages, the name and address of the manufacturer, importer or dealer, * * *

Oregon Laws, 1920, Vol. 1, Title 19, ch. 3, p. 1184.

Sec. 2020 (1915). Misbranding or misrepresenting any metallic commodity; penalty.—Any person, firm or corporation, foreign or domestic, his or its agent, servant or employe doing business in the State of Oregon, who, intentionally or for the purpose of deceiving any customer or purchaser, misbrands or misrepresents the kind, gauge, analysis, weight, quality or quantity of any metallic commodity offered for sale, or if it be an imitation of or offered for sale under the distinctive name of another article, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a

fine of not less than one hundred dollars nor more than five hundred dollars for each violation.

Oregon Laws, 1920, Vol. 2, Title 46, ch. 2, p. 3264.

Sec. 8759 (a1919). Milk or cream, fraud as to weight or test; manner of making test.—It shall be unlawful for any hauler of milk, or cream, or any person, firm or corporation receiving or purchasing milk or cream by weight or test or both, or by measure or test or both, to fraudulently manipulate the weight, measure or test of milk or cream of any person or to take unfair samples thereof, or to fraudulently manipulate such samples. The hauler or other agent shall weight or measure the milk or cream of each patron accurately and correctly and shall report such weights or measurements accurately and correctly to the creamery or factory and the seller of said product. He shall thoroughly mix the milk or cream of each patron by pouring or stirring until such milk or cream is uniform and homogeneous in richness, before the samples are taken from such milk or cream. When the weighing or sampling is done at the creamery, shipping station or factory, the same rule shall apply.
* * *

Sec. 8760 (1915). Babcock test bottles, use of.—Every person, firm or corporation receiving or purchasing milk or cream on the basis of the amount of butterfat contained therein as determined by the Babcock test, shall use the standard Babcock test bottles, pipettes and accurate weights and scales as defined in section 8769, 8770, and all Babcock test bottles and pipettes shall have been inspected for accuracy by the Oregon Agricultural College or its agent and shall be legibly and idelibly marked by the Oregon Agricultural College or its agent with the letters "S. G. O." (Standard Glassware Oregon). It shall be unlawful for any firm or corporation or any of their agents to use any other than standard test bottles and pipettes which have been examined and marked as provided by this section, to determine the amount of fat in milk or cream received or purchased on the butterfat basis.

Sec. 8761. Fraudulent use of Babcock tests.—It shall be unlawful for any person, firm or corporation, by himself or as the agent, servant, employe or officer of any person, firm or corporation receiving or purchasing milk or cream on the basis of the amount of butterfat contained therein, to underread, overread or otherwise fraudulently manipulate the Babcock test used for determining the per cent of butterfat in milk or cream, or to falsify the records thereof or to read the test at any other temperature than the correct one which is one hundred and thirty degrees to one hundred and forty degrees Fahrenheit, or to pay on the basis of any measurement or weight except the true measurement or weight which is seventeen and six-tenths cubic centimeters for milk and nine grams or eighteen grams for cream: *Provided*, That in all tests for cream the cream shall be weighed into the test bottle.

Sec. 8762 (a1917). Tester to be licensed; license, issuance of; term of license.—All testing of milk or cream purchased on the basis of the amount of butterfat contained therein, shall be done by a licensed tester who shall supervise and be responsible for the operation of the Babcock test of milk or cream. The license shall be issued to such

person by the dairy and food commissioner upon the presentation by the applicant of a certificate of proficiency properly filled out and signed by the chief of the dairy department of the Oregon Agricultural College and upon the payment of a license fee as provided for in section 8765. The license shall be valid during the life of the licensee unless sooner revoked, and shall be revoked by the dairy and food commissioner if, after due notice, the licensee has failed to comply with the laws, rules and regulations under which the license was granted: *Provided*, That the provisions of this section shall not apply to individuals, hotels, restaurants or boarding houses buying milk or cream for private use.

Sec. 8768 (1915). Penalty.—Any employe of a firm, company, association, corporation or persons receiving or purchasing milk or cream on the basis of the amount of butterfat contained therein, violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of not more than two hundred fifty dollars or be imprisoned in the county jail for not more than twelve months, or both. Any person, firm or corporation purchasing milk or cream on the basis of the amount of butterfat contained therein, violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, or imprisoned in the county jail for a period of not more than one year, or both such fine and imprisonment.

Sec. 8769. Standard Babcock testing glassware, specifications for; neck; bulb; graduation; neck; bulb; fifty per cent, 9-gram, long-neck bottle; the fifty per cent, 18-gram, long-neck bottle.—The term "standard Babcock testing glassware" shall apply to glassware and weights complying to the following specifications: (*a*) Graduation for milk test bottles. The total per cent graduation shall be 8. The graduated portion of the neck shall have a length of not less than 63.5 millimeters (2½ inches), the graduations shall represent whole per cent, five-tenths per cent, and tenths per cent. The tenths per cent graduation shall not be less than three millimeters in length; the five-tenths per cent graduations shall be one millimeter longer than the tenths per cent graduations, projecting one millimeter to the left; the whole per cent graduations shall extend at least one-half way around the neck to the right and projecting two millimeters to the left of the tenths per cent graduations. Each per cent graduation shall be numbered, the number being placed on the left of the scale. The error at any point of the scale shall not exceed one-tenth per cent.

The neck shall be cylindrical and the cylindrical shape shall extend for at least 9 millimeters below the lowest and above the highest graduation mark. The top of the neck shall be flared to a diameter of not less than 10 millimeters.

The capacity of the bulb up to the junction of the neck shall not be less than 45 c. c. (cubic centimeters). The shape of the bulb may be either cylindrical or conical with the smallest diameter at the bottom. If cylindrical, the outside diameter shall be between 34 and 36 millimeters; if conical, the outside diameter of the base shall be between 31 and 33 millimeters, and the maximum diameter between 35 and 37 millimeters. The charge of the bottle shall be 18 grams. The total height of the bottle shall be between 150 and 165 millimeters (5⅞ and 6½ inches).

(*b*) Three types of bottles shall be accepted as standard cream test bottles, a 50 per cent nine gram, short-neck bottle, a 50 per cent nine gram long-neck bottle, and a 50 per cent 18 gram long-neck bottle.

Fifty per cent, nine gram, short-neck bottle: The total per cent graduation shall be 50. The graduated portion of the neck shall have a length of not less than 63.5 millimeters (2½ inches). The graduations shall represent 5 per cent, 1 per cent and $\frac{5}{10}$ per cent. The 5 per cent graduations shall extend at least half way around the neck, to the right.

The $\frac{5}{10}$ per cent graduations shall be at least 3 millimeters in length, and the 1 per cent graduations shall have a length intermediate between the 5 per cent and the $\frac{5}{10}$ per cent graduations. Each 5 per cent graduation shall be numbered, the number being placed on the left of the scale. The error at any point of the scale shall not exceed $\frac{5}{10}$ per cent.

The neck shall be cylindrical and the cylindrical shape shall extend at least 9 millimeters below the lowest and 9 millimeters above the highest graduation mark. The top of the neck shall be flared to a diameter of not less than 10 millimeters.

The capacity of the bulb up to the junction of the neck shall not be less than 45 c. c. The shape of the bulb may be either cylindrical or conical with the smallest diameter at the bottom. If cylindrical, the outside diameter shall be between 34 and 36 millimeters; if conical, the outside diameter of the base shall be between 31 and 33 millimeters and the maximum diameter between 35 and 37 millimeters.

The charge of the bottle shall be 9 grams.

All bottles shall bear on the top of the neck above the graduations in plainly legible characters, a mark defining the weight of the charge to be used (9 grams).

The total height of the bottle shall be between 150 and 165 millimeters (5⅞ and 6½ inches), same as standard milk test bottles.

The same specifications in every detail as specified for the 50 per cent 9-gram, short-neck bottle shall apply for the long-neck bottle, with the exception, however, that the total height of this bottle shall be between 210 and 234 millimeters (8¼ and 8⅞ inches) and that the total length of the graduation shall be not less than 120 millimeters.

The same specifications in every detail as specified for the 50 per cent 9-gram, long-neck bottle, shall apply, with the exception that the charge of the bottle shall be 18 grams, and the mark defining the weight of the charge placed at the top of neck shall be 18.

The total length of the standard Babcock pipette shall be not more than 330 millimeters (13¼ inches). Outside diameter of suction tube 6 to 8 millimeters. Length of suction tube 130 millimeters. Outside diameter of delivery tube 4.5 to 5.5 millimeters. The length of delivery tube 100 to 120 millimeters. Distance of graduation mark above bulb 30 to 60 millimeters. Nozzle straight. Delivery 17.6 c. c. of water at 20 degrees centigrade in 5 to 8 seconds.

Sec. 8770. Sensibility of scales used.—The sensibility of all scales used for weighing cream samples into the test bottles shall be not more than 30 milligrams and the standard weights shall be 9 grams and 18 grams.

Sec. 8771. Babcock tester; speed of operation prescribed.—In all testing of milk or cream where the same is received or purchased upon the basis of the amount of butter fat contained therein, the Babcock tester shall be operated at the proper speed which is as follows:

For tester with diameter of 14 inches the speed shall be between 875 and 925 revolutions per minute.

For tester with diameter of 16 inches, the speed shall be between 825 and 875 revolutions per minute.

For tester with diameter of 18 inches, the speed shall be between 775 and 825 revolutions per minute.

For tester with diameter of 20 inches, the speed shall be between 725 and 775 revolutions per minute.

For a tester with a diameter of 24 inches, the speed shall be between 575 and 625 revolutions per minute.

Oregon Laws, 1920, Vol. 2, Title 34, ch. 15, p. 2396.

Sec. 5956 (a1913). Inspection and sealing of railroad track scales.—All track scales used by railroads within this State for the purpose of weighing cars or freight offered for shipment in carload lots shall be under the jurisdiction of the railroad commission of Oregon, and subject to its inspection. It shall be the duty of said commission from time to time to test and inspect all such scales, and to cause such scales to be put in an accurate condition. Said commission shall approve a suitable sealing device, and cause all track scales inspected under the provisions hereof to be officially sealed with such device, when such scales are found or made to be accurate. The said commission shall ascertain and declare the reasonable cost of making each inspection, and certify the same to the secretary of state and the railroad operating the scale inspected, whereupon it shall be the duty of the corporation or person operating such track scale to pay the cost of said inspection as so declared into the State treasury, which sums shall be, by the State treasurer, placed to the credit of a fund to be designated and known as the "Track scale inspection fund," to be used by the railroad commission of Oregon in carrying out the provisions of this act, and disbursed as other public moneys are disbursed as provided by law.

Sec. 5957 (1911). Sealing device, breaking or tampering with.—Any person who shall break or tamper with or cause to be changed, broken or tampered with, the sealing device or sealing thereof after the same has been installed or inspected by any commissioner or inspector of the railroad commission of Oregon shall be deemed guilty of a misdemeanor.

Sec. 5958. Apparatus for making tests, procuring of.—The railroad commission of Oregon is hereby authorized and directed to procure by purchase, lease or otherwise, necessary apparatus to make the tests and inspections herein provided, and to employ the necessary experts and inspectors therefor and to fix their compensation. All such apparatus shall be transported free by every railroad in this State, when necessary for the purpose of making the tests and inspections herein provided.

Oregon Laws, 1920, Vol. 2, Title 34, ch. 27, p. 2418.

Sec. 6051 (1911). Standards for measurement; accurate appliances for public utilities.—The commission [railroad commission] shall ascertain and fix adequate and serviceable standards for the measurement of quality, pressure, initial voltage or other conditions pertaining to the supply of the product or service rendered by any public utility and prescribe reasonable regulations for examination and testing of such product or service and for the measurement thereof. It shall establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurements, and every public utility is required to carry into effect all orders issued by the commission relative thereto.

Sec. 6052. Testing of measuring appliances; fees.—The commission shall provide for the examination and testing of any and all appliances used for the measuring of any product or service of a public utility, and may provide by rule that no such appliance shall be installed and used for the measuring of any product or service of any public utility until the same has been examined and tested by the commission and found to be accurate. The commission shall declare and establish a reasonable fee governing the cost of such examination and test, which shall be paid to the commission by the public utility.

The commission shall declare and establish reasonable fees for the testing of such appliances on the application of the consumer or user, the fee to be paid by the consumer or user at the time of his request, but to be repaid to the consumer or user by the commission and to be paid by the public utility if the appliance be found defective or incorrect to the disadvantage of the consumer or user beyond such reasonable limit as may be prescribed by the commission. All fees collected under the provisions of this section shall be paid by the commission into State treasury.

The commission may purchase such materials, apparatus and standard measuring instruments for such examination and tests as it may deem necessary.

Sec. 6053. Entry upon premises for inspection or test.—The commission, its agents, experts, examiners or inspectors shall have power to enter upon any premises occupied by any public utility for the purpose of making any inspection, examination or test provided in this act and to set up and use on such premises any apparatus and appliance and occupy reasonable space therefor.

Oregon Laws, Vol. 2, Title 34, ch. 30, p. 2439.

Sec. 6112 (1917). Definition of public warehouse; two classes.—The term "public warehouse" when used in this act, includes any elevator, mill, warehouse or structure in which grain or hay is received from the public for storage, shipment or handling, whenever such grain or hay is carried or intended to be carried to or from such warehouse, elevator, mill or structure by a common carrier.

The term public "terminal warehouse" wherever used in this act shall be held and construed to mean any elevator, mill or warehouse located in such cities in the State as may hereafter be desig-

nated as inspection points by the public service commission of Oregon, in which grain is received from the public for storage and the grain of different owners mixed together or stored in special piles or bins and for which receipts are issued covering the grain received. Public terminal grain warehouses shall be of two classes, to wit, "class A" grain warehouses and "class B" grain warehouses. Class A grain warehouses shall include all warehouses the proprietors of which shall elect to take licenses under the provisions of this act relative to grain warehouses issuing registered grain warehouse receipts. All other public terminal warehouses shall be known as class B grain warehouses. The term warehouseman when used in this act includes any firm, person, company, corporation or association of persons owning, operating or controlling any public warehouse. The term "commission" when used in this act means the public service commission of Oregon.

Sec. 6113. Weighing, inspecting and grading of commodities, may be authorized when.—* * * The commission may by resolution authorize the weighing, inspection and grading, upon request of any interested party of commodities of commerce other than grain or hay, such as grain or hay products, rice, beans, and other similar articles, nitrates and other fertilizers, sulphur, and other chemicals used in the arts, or in manufacturing, when same are received from or delivered to any rail or water carrier in the State in commercial transportation, and may authorize the certification of the weights and grades thereof. Fees for such service, sufficient to cover the cost thereof shall be fixed by the commission. Such commission shall investigate all complaints of fraud or injustice in the grain and hay trade, fix the charges of public and terminal warehouses, and make all necessary rules and regulations for carrying out and enforcing the provisions of this act, and of all laws of the State relating to this subject.

Sec. 6114. Chief inspector, appointment of.—The commission shall appoint a chief inspector, who shall be thoroughly familiar with the grains, grain products and forage crops of Oregon, Washington, Idaho and Montana and shall have had at least five years' experience in handling such products. * * *

Sec. 6115 (a1919). Deputies, inspectors, samplers, and weighers, appointment.—The chief inspector, with the approval of the commission, shall appoint such number of deputies, inspectors, samplers and weighers as may be necessary to properly and thoroughly inspect and weigh grain, hay, grain and hay products, potatoes, onions and other commodities designated herein or such as may hereafter be designated by resolution of the commission, received or shipped, and to carry out the provisions of this act. One of such inspectors in each of the cities as may be designated by the commission as inspection points, shall be styled chief deputy inspector. Such chief deputy inspectors shall be persons qualified by training and experience for the inspection of the particular commodities which they are required to inspect. * * *

Sec. 6117 (1917). Interest in grain, grain products, etc., prohibited.—No chief inspector, deputy inspector, sampler or weigher, shall during his term of office, be interested directly or indirectly in the handling, storing, shipping, purchasing or selling of grain, grain products, hay or other commodities weighed or sampled.

Sec. 6118. Neglect of duty; penalty.—Any inspector, sampler or weigher who shall be guilty of any neglect of duty, or who shall knowingly or carelessly inspect, sample or weigh any grain, grain products, hay, or other commodities improperly, or who shall directly or indirectly accept any money or other consideration for any neglect of duty or any improper performance of duty as such inspector, sampler or weigher or any person, persons, corporation or agent who shall improperly influence or attempt to improperly influence any inspector, sampler or weigher in the performance of his duties of such inspector, sampler or weigher shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred dollars nor more than one thousand dollars, or imprisonment in the county jail not less than six months, nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 6119. Inspection points, how designated.—Such cities and towns where grain, grain products, hay, or other commodities are received in carload lots or by watercraft, may be designated by the commission as inspection points and be provided with State inspection and weighing: *Provided*, That the expenditure for the inspection and weighing at the points designated by the commission shall not exceed the receipts of fees at such place or places.

Sec. 6120. Chief inspector, deputies, etc., removal of; salaries.—The chief inspector, his deputies, samplers and weighers, shall be employes of the commission and may be removed for cause at any time by the commission. They shall be paid in the same manner as other employes of said commission.

Sec. 6124 (a1919). Fees.—The commission shall fix the fees for inspection, grading and weighing of grain, hay, grain and hay products, potatoes and onions, and other commodities included in the provisions of this act, which fees shall be sufficient to cover the cost of such service. The fees for the inspection and weighing of grain and hay shall be a lien upon such grain and hay, and to be paid by the carrier transporting the same and treated by it as advanced charges. The commission shall so adjust the fees to be collected under this act as to meet the expenses necessary to carry out the provisions hereof, and may prescribe a different scale of fees for different localities. The commission may also prescribe a reasonable charge for services performed at places other than public terminal warehouses, in addition to the regular fees, when necessary to avoid rendering the service at a loss to the State. All moneys collected under the provisions of this act and all fines and penalties for violation thereof shall be paid into the State treasury.

Sec. 6125. Control of weighing and grading, who has; appeal; record of carloads.—The chief inspector, his deputies and weighers, shall at the places provided for State inspection under this act, have exclusive control of the weighing and grading of grain and hay which shall be inspected under the provisions of this act and the action and certificate of such inspectors and weighers in the discharge of their duties, as to all commodities weighed or inspected by them, shall be conclusive upon all parties interested: *Provided, however*, An appeal may be taken to the commission whose decision shall be final. Suitable books and records shall be kept in which shall be entered a faithful and true record of every carload or cargo or part of cargo

of grain, grain products, hay and other commodities inspected or weighed by them, showing the number and initial or other designation of the car or boat containing such carload or cargo or part of cargo, its weight, the kind of grain, grain products, hay or other commodity, and its grade, and if graded standard No. 1 grade the reason for such grade; if of inferior grade the amount of such dockage, the amount of fees and forfeitures and disposition of same, and for each car, or cargo or part of cargo of grain, grain products, hay or other commodity inspected they shall give a certificate of inspection showing the kind and grade of the same and the reason for all grades below No. 1, the amount to be allowed for dockage, if any, the number of sacks, bales, or other parcels thereof, with the grade or grades and weight of same, if requested to do so by consignor or consignee. They shall also furnish the agent of the railroad company or other carrier over which such commodity was shipped or carried, a certificate showing the weight thereof, if requested to do so. They shall also keep a true record of all appeals, decisions and a complete record of every official act, which books and records shall be open to inspection by any party in interest.

Sec. 6126 (1917). Official misconduct.—Upon written complaint filed with the commission charging any inspector, sampler or weigher with official misconduct, inefficiency, incompetency or neglect of duty, the commission shall investigate such charge, and if it be found sustained, shall remove such officer.

Sec. 6128 (a1919). Grain and hay, inspection and weighing.—All grain and hay received at public terminal warehouses shall be inspected and weighed, and all grain delivered out of any class A grain warehouse shall be weighed by a State inspector and when exported shall, if requested, be reinspected and graded in like manner and a certificate of grade issued, a reasonable fee to be charged for such reinspection, said fee to be fixed by the commission. All other grain and hay received in carload lots, or when shipped by water in lots containing more than thirty tons of grain, or ten tons of hay, at inspection points, not unloaded at a terminal warehouse, shall be weighed, inspected and graded.

Sec. 6141. Class B warehouse; requirements when grain or hay is received.—It shall be unlawful for any warehouseman conducting a class B grain warehouse to receive any grain into his warehouse without having the same inspected and weighed in by a State grain inspector, and it shall be the duty of every such warehouseman to, upon request, issue or cause to be issued a receipt for each consignment of grain received, showing the weight, kind and grade of such grain, the name of the owner thereof and the date when the same was received, but such receipts shall not be entitled to registration, and grain shall be delivered from such warehouse without notice from the registrar of warehouse receipts.

Sec. 6142 (1917). Fees; class A grain warehouse.—The fees for weighing out grain from a class A grain warehouse and for inspecting out grain in case the owner desires inspection out, shall be fixed by the public service commission of Oregon, and the State grain inspectors may, when requested so to do by persons desiring grain inspected out, issue certificates of inspection in accordance with the names of the grains used in the markets to which the grain is to be shipped.

Sec. 6149. Cars, opening and weighing.—* * * The chief inspector, his deputies, weighers or samplers shall break the seal, weigh and superintend the unloading of all cars of grain or hay subject to inspection, and it shall be unlawful for any other person or persons to break the seal or weigh such cars of grain or hay.

Sec. 6150. Railroads to provide suitable track scales; control and inspection; terminal warehouse scales.—* * * Such railroad company [delivering grain or hay in cars at any of the places provided with State inspection under this act] shall provide at such place or places as the commission may designate suitable track scales for weighing cars of grain or hay. Such scales shall be under the control of the chief inspector and his deputies. It shall be the duty of the chief inspector or his deputies to require the railroad company to correct all scales so provided as often as may be necessary to insure the correct weighing of grain or hay. Whenever scales have been installed by any railroad company as above provided, it shall be the duty of the chief inspector or his deputies to use such scales in weighing all grain or hay received over the line of such railway: *Provided*, That if any terminal warehouse in inspection cities is provided with proper scales and weighing facilities, the chief inspector or his deputies may weigh the grain upon the scales so provided.

Sec. 6152. Public scales, owners or operators of may be appointed as State weighmasters; fees; monthly report; not to be interested in storing, handling, etc.; rules and regulations.—Owners or operators of public scales used for weighing grain, hay or other commodities, may be appointed by the commission as State weighers. Every such scale owner or operator who may be appointed as State weigher shall be required to give a bond to the State of Oregon in a sum not less than one thousand dollars and to subscribe to the regular oath of office. They may be authorized by the commission to issue certificates of weight for such commodities as they may weigh. The fees for such service shall be fixed by the commission and may be retained by the scale owner or operator as compensation for the service performed. Such owner or operator shall report to the chief inspector monthly stating the quantity of all grain and other commodities weighed and the amount of fees collected therefor. No owner or operator of public scales appointed as State weigher shall, during his term of office, be interested directly or indirectly in the handling, storing, shipping, purchasing or selling of grain, grain products or hay, or other commodities, included within the provisions of this act. The commission may prescribe rules and regulations governing weighing of grain, grain products, hay or other commodities by owners or operators of public scales appointed as State weighers.

Sec. 6153. Unloading grain or hay at unusual hours or working days, provision for.—When occasions arise where it is deemed advisable to load or unload cars or cargoes of grain or hay outside of the usual working days or working hours, the proper chief deputy shall provide inspectors and weighers necessary to supervise the inspection and weighing of such commodities and the commission shall, by rule, fix a reasonable sum per hour to be paid therefor by the party requesting such unusual service, which fees shall be in addition to the regular inspection fees provided for weighing and inspection. All

moneys collected under the provisions of this section shall be paid into the State treasury and an amount not exceeding such additional fees may be paid to the deputy weighers and inspectors by whom such additional service may be performed.

Sec. 6154 (a1919). Shipper's weight and grade conclusive, when.—When grain or hay is shipped to points where inspection is provided and the grain or hay is unloaded without being inspected or weighed by a duly authorized deputy grain inspector under the provisions of this act, the shipper's weight and grade shall be conclusive and final and shall be the weight and grade upon which settlement shall be made with the seller.

Sec. 6155 (1917). Penalty.—Any railroad company or common carrier or other corporation, and any warehouseman, which shall violate or fail to comply with any provisions of this act, or which fails, omits or neglects to obey, observe or comply with any order, rule or any direction, demand or requirement of the commission made under the provisions of this act, shall be subject to a penalty of not to exceed the sum of one thousand dollars for each and every offense, and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance thereof shall be and be deemed to be a separate and distinct offense. Every officer, agent or employee of any railroad company or common carrier, or other corporation, or any warehouseman, which shall violate or fail to comply with, or who procures, aids or abets any violation by any such railroad company or common carrier, or other corporation or warehouseman, of any provision of this act, or who shall fail to obey, observe or comply with any order of the commission; or any provision of any order of the commission; or who procures, aids or abets any such railroad company or common carrier, or other corporation, or any warehouseman, in its failure to obey, observe and comply with any such order or provision shall be punished upon conviction by a fine of not more than one thousand dollars or by imprisonment in the county jail not more than one year or by both fine and imprisonment. Every person, either individually or acting as an official or agent of any corporation other than a railroad company, common carrier or warehouseman, who shall violate any provision of this act, or fail to observe or comply with any order made by the commission under this act, so long as the same shall be or remain in force; or shall procure, aid or abet any such corporation, in its violation of this act, or in its failure to obey, observe or comply with any such order, shall be punished upon conviction by a fine of not more than one thousand dollars or by imprisonment in the county jail not more than one year, or by both fine and imprisonment.

PENNSYLVANIA

Const., Art. III.

Sec. 27 (1879). Inspection of merchandise.—No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture, or commodity; but any county or municipality may appoint such officers, when authorized by law.

Stats., 1920, p. 2089.

Sec. 21546 (1911). Bureau of standards; department of internal affairs; legal weights and measures.—The establishment of a bureau of standards be and is hereby authorized, in the department of internal affairs of Pennsylvania, for the purpose of regulating and maintaining a uniform standard of legal weights and measures in this Commonwealth, to conform with the original standards of weights and measures as adopted by Congress, and verified by the National Bureau of Standards; and to assist in securing the enforcement of laws relating to sealers of weights and measures, now in force or that may hereafter be enacted.

Sec. 21547, as amended by P. L., 1921, Act 414, p. 1119. Chief; duties, report; testing of weights and measures; right of entry; stopping vehicles; condemning false weights or measures; destruction of false weights or measures; expenses; salary of chief; deputies; clerical assistance.—That as soon as practicable after the final passage and approval of this act, the secretary of internal affairs shall appoint a competent person to serve as chief of the bureau of standards, whose duty it shall be to have custody of the State standards of weights and measures; shall compare, test, and regulate all weights and measures of all city and borough sealers, now in office, or who may hereafter be appointed, in the Commonwealth of Pennsylvania, with the State standards when presented at his office for that purpose; shall certify to their correctness by affixing his official stamp thereto, with his name and date of examination clearly marked thereon shall preserve in his office an appropriate record of services rendered and work performed by him, or under his direction, in pursuance of this act; shall file in his office annual and other reports received from the local sealers; and shall, on or before the thirtieth day of November in each year, submit a report in writing to the secretary of internal affairs, for publication as a separate document in book form, setting forth, in sufficient detail, the work done in said bureau and the work reported to him by the local sealers, together with such other matter relating to that subject as may be deemed of value and interest to the citizens of this Commonwealth. The chief of the bureau of standards or any of his deputies shall have power to enter into any county or city, and to test all instruments and devices used in weighing or measuring anything sold or to be sold, including instruments and devices for weighing of coal mines and seal the same if found

to be correct. For the purpose of making such test, the chief of the bureau of standards or any of his deputies may, at any reasonable time and without formal warrant, enter upon any premises, and may, on any public highway, stop any vendor or dealer, or the agent or servant of any such vendor or dealer, or stop any vehicle used in delivering any commodity which is weighed or measured as delivered. They may condemn, and mark as condemned, or may seize, any false or illegal instrument or device used, or intended to be used, in weighing or measuring. If they shall seize any such instrument or device, they shall retain possession thereof until it shall have been used as evidence in any prosecution under the laws of this Commonwealth relating to weights and measures or to the sale of commodities. After the determination of such prosecution, the false or illegal instrument or device shall be destroyed unless otherwise ordered by the proper court.

The chief of said bureau of standards shall receive a salary of four thousand dollars per annum, payable as other employes of said department are now paid and all necessary expenses incurred in the discharge of his official duties under this act. The secretary of internal affairs is authorized to appoint twelve deputies in the bureau of standards at an annual salary of twenty-five hundred dollars each. Such deputies shall also receive their actual and necessary expenses incurred in the performance of their duties. The secretary of internal affairs may also assign such additional assistance, from the clerical force of his department, to the work of said bureau as he may find necessary from time to time.

Sec. 21548 (1911). Standard of weight, length, and capacity; appropriation.—In order to carry this act into effect, it shall be the duty of the secretary of internal affairs of this Commonwealth to procure, as soon as practicable after the passage of this act, a complete set of standards of weight, length, and capacity, to be verified by the Bureau of Standards of the United States Government, and to conform with the standards of weight, length, and capacity established by the National Congress, at a cost not exceeding the sum of two thousand five hundred dollars, to be paid for on warrant of the auditor general, out of funds of the State treasury, which sum is hereby specifically appropriated for that purpose, or so much thereof as may be necessary.

Sec. 21549. Rooms.—The board of public grounds and buildings are hereby required to furnish a suitable room or rooms, in the State Capitol Building, for the safekeeping and convenient use of said standards of weights and measures and for office use of said bureau of standards.

Sec. 21550[1] **(a1917). Inspectors; salaries; expenses; how payable; combination; terms; charges; hearing; other service prohibited.**—The mayors of cities of the second and third class, and the several boards of county commissioners, shall, respectively, appoint one or more competent persons as inspectors of weights and measures, in the respective county or city, whose salary shall not be less than one thousand dollars per annum, to be paid out of the respective revenues of such county or city: *Provided, however*, That the payment of a minimum salary shall not apply to counties having a population of

[1] But see Commonwealth, ex rel. Lowell, *v.* Hoyt, 254 Pa., p. 45.

fifteen thousand or less. In addition to the salary provided by law, the said county and city inspectors shall be entitled to receive the actual expenses incurred by them personally in performing the duties of their office; such as transportation, hotel, livery, telephone, telegraph, and postal charges, to be paid by the boards of county commissioners of their respective counties and by the proper officers of their respective cities, in such proportion as may be agreed upon by said boards of county commissioners and proper officers of cities, on bills itemized and properly sworn to: *Provided, however*, That nothing in this act shall be construed to prevent two or more counties, or any county and city, from combining the whole or any part of their districts, as may be agreed upon by the board of county commissioners and mayors of cities, with one set of standards and one inspector, upon the written consent of the chief of the bureau of standards: *Provided further*, In cities of the first class the inspectors shall be appointed by the county commissioners of the county in which the said city may be located. Any inspector appointed in pursuance of an agreement for such combination shall, subject to the terms of his appointment, have the same authority and duties as if he had been appointed by each of the authorities who are parties to the agreement. The county and city inspectors of weights and measures, as appointed by the respective counties and cities, shall hold their office during good behavior; and shall not be removed, discharged, or reduced in pay or position except for inefficiency, incapacity, conduct unbecoming employes, or other just cause, and until the said officials shall have been furnished with written statements of the reason for such removal, discharge, or reduction, and shall have been given reasonable time to make written answer thereto. Nor shall such removal, discharge, or reduction be made until the charge or charges shall have been examined into and found true in fact by the appointing power of such county or city, at a hearing, upon reasonable notice to the person charged, at which time he may be represented by counsel and offer testimony or witnesses in his own behalf. It shall be unlawful for any sealer or inspector of weights and measures, or any of his deputies, to perform clerical or other services for the county or city of their respective districts.

Sec. 21551. Standard tests.—All county and city inspectors so appointed shall be supplied, at the expense of their respective counties and cities, with standard tests of weights and measures, in conformity with those established by the Government of the United States or the bureau of standards of the State, and the laws of this Commonwealth; and to ensure the accuracy of these tests they shall be compared with the standard tests to be purchased by the secretary of internal affairs, and, when so compared and their correctness established, they shall be so stamped or marked in such manner as may be established by the rules and regulations hereinbefore referred to, to be put in force by said secretary of internal affairs, and approved by the governor of the Commonwealth.

Sec. 21552. Reports.—Each inspector shall report in writing, at least once every month, to the chief of the State bureau of standards, upon blanks furnished by the chief. Such report shall contain: (1) The number of tests made since the last preceding report. (2) The number of weights, measures, and balances found by such tests to

be correct. (3) The number of weights, measures and balances found by such tests to be false. (4) The number of prosecutions instituted by such inspector since the last preceeding report, together with the name of the accused, the title of the court where the prosecution was instituted, and the result of such prosecution. (5) Such other matters as the chief may, from time to time, prescribe.

Sec. 21553. Custody of standards; testing; sealing; rights of entry; seizure.—The inspectors shall take charge of and safely keep the proper standards. They shall be furnished by the chief of the bureau of standards of this Commonwealth with full specifications of tolerances and allowances to be used by them in the performance of their duties. Each inspector shall have power, within his respective jurisdiction, to test all instruments and devices used in weighing or measuring anything sold or to be sold, including instruments and devices for weighing at coal mines, and seal the same if found to be correct. Such test shall include all appliances connected or used with such instruments or devices. For the purpose of making such test, each inspector, at any reasonable time and without formal warrant, may enter upon any premises; and may, on any public highway, stop any vendor or dealer, or the agent or servant of such vendor or dealer, or stop any vehicle used in delivering any commodity which is weighed or measured as delivered. He may condemn and mark as condemned, or may seize, any false or illegal instrument or device used, or intended to be used, in weighing or measuring. If he shall seize any such instrument or device, he shall retain possession thereof until it shall have been used as evidence in any prosecution under the laws of this Commonwealth relating to weights and measures or to the sale of commodities. After the determination of such prosecution, the false or illegal instrument or device shall be destroyed, unless otherwise ordered by the proper court.

Sec. 21555 (1895). New scales, weights and measures to be tested.—Any person or persons purchasing new scales, weights or measures that do not contain the stamp of the inspector shall, before using them, notify the inspector of the district and have them tested, and all scales, weights or measures that cannot be adjusted by the inspector shall be removed and destroyed.

Sec. 21556, as amended by P. L., 1923, Act No. 409, p. 992. Use of false or insufficient weights or measures; jurisdiction; penalties; fines to be paid into county treasury; violations by inspectors; misdemeanors; penalty.—Each person who shall, directly or indirectly, or by his servant or agent, or as the servant or agent of another, violate any of the provisions of this act, or give or offer to give any false or insufficient weight or measure, or use any weighing device after it shall have been condemned and before it shall have been adjusted and sealed, or obstruct or attempt to obstruct any inspector in the performance of his duty, shall, upon conviction thereof in a summary proceeding before any alderman, magistrate, or justice of the peace of the proper city or county, for the first offense, be sentenced to pay a fine not to exceed twenty-five dollars; for the second offense, shall be sentenced to pay a fine not exceeding fifty dollars; and for each subsequent offense, shall be sentenced to pay a fine of not more than one hundred dollars, or to undergo an imprisonment in the proper county jail for not more than thirty days, or both, in the discretion of the court.

In default of the payment of any fine as aforesaid, the person convicted shall be sentenced to serve one day in jail of the proper county for each dollar of the fine and costs. All such fines shall be paid to the treasurer of the respective city or county in which the offense was committed.

It shall be unlawful for any inspector to use any tests or standards, or to attempt to use the same, in ascertaining the correctness or accuracy of weights and measures, until such comparisons are made and their accuracy established and so stamped or marked. It shall be unlawful for any inspector to manufacture, sell, or offer to sell any weighing or measuring device used in the sale of commodities, or to repair or offer to repair any weighing or measuring device other than such adjustments as he may find necessary in the performance of his official duties, for which no fees shall be collected. Any inspector violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction therefor, shall be fined not exceeding one thousand ($1,000) dollars, or undergo imprisonment for a period not exceeding one year, or both or either, at the discretion of the court.

Sec. 21557 (1895). Refusal to allow inspection.—Any person, upon arrest and conviction before a magistrate or justice of the peace for refusing to allow his scales, weights and measures to be inspected, shall be fined ten dollars and costs of court, or be sentenced to imprisonment for a period of not more than ten days.

Sec. 21558. Altering scales, etc., after adjustment.—Any person who shall, after his scales, weights and measures have been inspected in accordance with the provisions of the fifth section of this act [section 21555], alter or cause to be altered his said inspected scales, weights and measures so that they be decreased in size or amount, or who shall substitute for said inspected weights and measures any other weights and measures of smaller size or amount, shall, upon the arrest and conviction before a magistrate or justice of the peace, be fined not more than twenty dollars and cost of court, and in default of the payment of such fine and costs shall be imprisoned for a period not more than ten days.

Sec. 21560 (1850). Penalty for selling by short weight or measure.—Whenever any description of manufactured goods, commonly called dry goods or groceries, shall be sold by the piece, in packages or by weight, and the said pieces or packages shall be marked or represented to contain a certain number of yards, pounds or ounces, and the same shall be sold as containing that number or weight, when in fact the said pieces or packages shall contain a less number of yards, or pounds or ounces, than so represented, the seller or manufacturer thereof shall forfeit and pay to the purchaser a sum equal to double the value of the quantity or weight found to be deficient, to be recovered by action of debt, in any court of law, or before any alderman or justice of the peace in this Commonwealth, in the same manner that debts of like amount are now by law recoverable.

Sec. 21561 (1883). Penalty for using false scales, weights, and measures.—Any person or persons who shall wilfully use and sell by false beams, scales, weights and measures, any article, merchandise, commodity or thing, shall be guilty of a misdemeanor, and on being

convicted thereof, shall be sentenced to pay a fine not exceeding two hundred dollars, and to undergo an imprisonment not exceeding three months, or both, or either, at the discretion of the court.

Sec. 21562 (1850). True meridian to be fixed.—The county commissioners of the several counties of this Commonwealth are hereby authorized and directed, within two years from and after the passage of this act, to cause to be marked and established on some inalienable property belonging to the county, or on some such property as the commissioners of the county may hereafter acquire for that purpose, at or near the seat of justice of the several counties, a true meridian line, and a fixed standard measure, of a two or four pole chain, agreeing with and made after the measure of the standard yard now in the office of the secretary of the Commonwealth; and the cost whereof to be paid out of the respective county treasuries.

Sec. 21563. Notice thereof to be given; surveyors to adjust their compasses and chains thereby; true bearings to be noted in surveys.—When the said true meridian lines, and the measures of the said standard two or four pole chain, shall have been so marked and established as aforesaid, the said county commissioners shall give public notice thereof, in one or more newspapers of their respective counties, or otherwise, for at least three successive weeks; and it shall be the duty of every land surveyor in this Commonwealth, after such notice has been given as aforesaid, in the month of April in each year, to adjust and verify his compass by one of the said meridian lines, and to ascertain the variation of its needle from the true meridian, and his chain by one of the said measures of the said standard two or four pole chain. And the said surveyors shall thereafter, in all their returns of surveys, or writings concerning surveys of land, and lines run by the compass, note the bearings or courses of such surveys and line so as to show the true, and not the magnetic bearing, together with the date of such survey or tracing of lines.

Sec. 21564. Penalty for surveying with unadjusted compass or chain; penalty.—Any surveyor, after notice given as required by the provisions of this act, who shall neglect or refuse to comply with the requirements of this act, by making any survey with an unadjusted compass or chain, he shall, for every such neglect or refusal, pay the sum of ten dollars, on complaint made by any person interested in such survey, before the justice of the peace nearest to the tract or lot of land so surveyed, to be recovered as debts of like amount are by law recoverable; one-half thereof to the person making the complaint, and the other half to the treasurer of the school district in which such survey is made, for the use of said district.

Sec. 21565. Duties of commissioners.—It shall be the duty of the commissioners of the several counties aforesaid to procure a book to be kept in their office; and every surveyor, on having adjusted his chain and compass aforesaid, shall enter therein the variation of his compass from the true meridian, whether east or west, and the day on which he adjusted his chain and compass, and shall subscribe his name thereto, for future reference.

Sec. 21566 (1913). Weights and measures; "commodity" defined.—The word "commodity," as used in this act, shall be taken to mean any tangible personal property sold or offered for sale.

Sec. 21567. Manner of sale.—All liquid commodities, when sold in bulk or from bulk, shall be sold by weight or liquid measure. All

dry commodities, when sold in bulk or from bulk, shall be sold by weight, dry measure or numerical count. No dry commodities shall be sold by liquid measure; dry commodities in carload lots may be sold by weight.

Sec. 21568. Measures shall have bottoms.—It shall be unlawful to use a measure without a bottom in selling any commodity.

Sec. 21569 (a1915). Measures shall be marked as to capacity; bottles or jars for the sale of milk or cream.—It shall be unlawful, in selling any commodity, to use any measure unless the same shall have thereon marked in distinct letters and figures the capacity thereof. If such measure be of the capacity of one-half bushel or less, or of one-half gallon or less, it shall be marked in terms of a quart, dry or liquid measure respectively. If the measure be of the capacity of over one-half bushel or one-half gallon it shall be marked in terms of a bushel or gallon, respectively: *Provided*, That bottles or jars used for the sale of milk or cream shall be regarded and considered as measures within the meaning of this act, and shall be in all respects subject to all rules and regulations heretofore or hereafter made by the chief of the Pennsylvania Bureau of Standards as to reasonable variations and tolerances.

Sec. 21570 (1913). Attempts to defraud.—It shall be unlawful for any person, firm or corporation, with intent to defraud—

(1) To sell, or offer for sale, any commodity on the container of which is marked any false statement respecting the kind, number, quantity, weight, or measure of such commodity, or of any part thereof, or respecting the place or country where such commodity was manufactured or produced, or respecting the quality or grade of such commodity.

(2) To orally or otherwise represent that any commodity offered for sale in bulk, to which no name or trade-mark shall be attached, is the manufacture or production of some other than the actual manufacturer or producer: *Provided*, That nothing in this act is to be construed as applying to drugs, medicines, chemicals, or pharmaceutical or proprietary preparations used as medicine, nor to toilet preparations.

Sec. 21571, as amended by Laws, 1925, Act No. 186, p. 325. Weight of bushel.—Whenever any commodity named in this section shall be sold by the bushel, the bushel shall consist of the number of pounds herein stated; and wherever sold in the subdivisions of the bushel, the number of pounds shall consist of the fractional part of the number of pounds as are herein set forth for the bushel, namely[2] :

	Pounds		Pounds
Alfalfa seed	60	Cabbage	50
Apples	45	Carrots	50
Apples, dried	25	Cement	100
Barley	48	Charcoal	20
Beans, dried	60	Cherries, with stems	56
Beans, castor (shelled)	46	Cherries, stemmed	64
Beets	56	Chestnuts, hulled	50
Blue-grass seed	14	Clover seed	60
Bran	20	Coal, anthracite	75
Broom corn seed	50	Coal, bituminous	76
Buckwheat	48	Coal, stone	80

[2] A slight change has been made in the arrangement of this table for convenience of reference.

	Pounds
Coke	40
Corn, shelled	56
Corn, ear (husked)	70
Corn meal	50
Cranberries	32
Cucumbers	48
Currants	40
Flaxseed	56
Gooseberries	40
Grapes	48
Hair (plastering)	[3] 80
Hemp seed	44
Herd's grass	45
Hickory nuts	50
Hominy	60
Horseradish	50
Hungarian grass seed	50
Kaffir corn	56
Lentils	60
Lime	80
Linseed	56
Malt	38
Millet	50
Oats	32
Onions	50
Onion sets	28
Orchard grass seed	14
Parsnips	50
Peaches	48
Peaches, dried (peeled)	38
Peaches, dried (unpeeled)	33
Peanuts	22
Pears	50
Peas, green (unshelled)	28
Peas, dried	60
Plums	64
Potatoes	60
Potatoes, sweet	54
Quinces	48
Rape-seed	50
Raspberries	48
Redtop grass seed	14
Rice, rough	45
Rutabagas	60
Rye	56
Ryemeal	50
Salt (coarse)	85
Salt (ground)	62
Sand	100
Shorts	20
Sorghum-seed	50
Spelt	40
Spinach	12
Strawberries	48
Timothy-grass seed	45
Tomatoes	56
Turnips	56
Walnuts (common)	50
Wheat	60

Provided, That when any fruits or vegetables named in this section are sold in Pennsylvania standard containers, which are the original packages and are filled in accordance with good commercial practices, such fruits and vegetables shall be exempt from the provisions of this section.

Sec. 21572 (1913). Packages shall be marked.—If in package form, the quantity of the contents shall be plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: *Provided*, *however*, That reasonable variations shall be permitted; and tolerances and also exemptions as to small packages shall be established by rules and regulations made by the chief of the Pennsylvania bureau of standards.

Sec. 21573. Violations; penalty.—Each person, firm or corporation that shall violate any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, before any alderman, magistrate or justice of the peace of the proper county, for first offense shall be fined not more than twenty-five dollars; upon conviction for the second offense, such person, firm, or corporation shall be fined not less than twenty-five dollars nor more than one hundred dollars; and, upon conviction for the third and each subsequent offense, such person, firm, or corporation shall be fined not less than one hundred dollars nor more than two hundred and fifty dollars.

Sec. 21574. Enforcement.—It shall be the duty of the proper city and county inspectors of weights and measures to enforce the provisions of this act.

Sec. 21575 (a1915). When act takes effect; not applicable to wholesalers, jobbers or commission merchants.—This act shall go into effect

[3] This is evidently an error, since the usual weight of plastering hair is eight pounds per bushel.

the first day of January, one thousand nine hundred and fourteen: *Provided, however*, That no penalty shall be enforced for any violation of its provisions as to domestic products prepared, or foreign products imported, prior to eighteen months after its passage; and further, that this act shall not apply to the marking of the net quantity of the contents on containers or packages handled, sold, or offered for sale by wholesalers, jobbers or commission merchants.

Sec. 21576 (1917). Packing of apples.—Every closed package containing apples grown in the State of Pennsylvania, which is sold, offered, or consigned for sale, packed for sale, or shipped for sale, shall bear upon the outside of one end, in plain letters or figures, or both, the name and address of the person by whose authority the apples were packed, the true name of the variety therein contained, and the minimum size or numerical count of the fruit in the package: *Provided*, That packages which can not readily be marked on an exposed end shall be similarly marked in a conspicuous place. * * *

Sec. 21577. Additional marks.—The marks prescribed by this act may be accompanied by any additional marks which are in accordance with the facts, and which are not inconsistent with or do not in any way obscure the marks required by this act. Apples packed and branded in accordance with the United States apple-grading law,[4] approved August third, one thousand nine hundred and twelve, shall be exempt from the provisions of this act.

Sec. 21584. Enforcement of this act.—The enforcement of this act shall be vested in the State department of agriculture; and its officers, employes, and agents are authorized to enter upon the premises of any person within this State for the purpose of purchasing packages of apples and securing evidence of violation of this act; and the said department of agriculture is hereby authorized to make such rules and regulations as may be necessary for enforcing its provisions.

Public Laws, 1921, Act No. 187, p. 389.

Sec. 1. Weights and measures; definitions; "type"; "standard weights and measures"; "use in trade or commerce"; "person"; "bureau of standards"; liability for acts or omission of agents.—That the word "type," as used in this act, is defined as a class the individual objects of which are similar one to another in design, construction, size, and material.

The term "standard weights and measures," as used in this act, is to be construed to include the standards of weights and measures adopted by the United States and the State of Pennsylvania, in accordance with those furnished by the Federal Government under joint resolutions of Congress, approved June fourteenth, eighteen hundred and thirty-six and July twenty-seventh, eighteen hundred and sixty-six, and now recognized and in use throughout the United States.

The term "use in trade or commerce," as used in this act, shall be construed to include use in buying or selling goods, wares, or merchandise.

The word "person," as used in this act, shall be construed to import both the plural and the singular, as the case demands, and

[4] See p. 19.

shall include corporations, copartnerships, companies, societies, and associations.

The term "bureau of standards" shall be held to mean under or by authority of the chief of the Pennsylvania bureau of standards of the department of internal affairs. When construing or enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person, acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be deemed to be the act, omission, or failure of such corporation, partnership, company, society, or association, as well as that of the person.

Sec. 2. Approval by bureau of standards.—The bureau of standards of the department of internal affairs is authorized to pass upon each type of weight and measure and weighing and measuring device manufactured, offered or exposed for sale or sold or given away, for the use in trade or commerce, or used in trade or commerce, in the Commonwealth of Pennsylvania, and to approve or disapprove of said type. The said bureau shall approve each type of weight and measure and weighing and measuring device, submitted to it for approval by any person, if such type is so designed and constructed that it conforms to, or gives correct results in terms of, standard weights or measures or in terms of values derived therefrom, and is reasonably permanent in its indication and adjustment, and does not facilitate the perpetration of fraud, otherwise the bureau shall disapprove the same.

Sec. 3. Submission for approval.—The submisison of a type may be by sample or by specifications if, in the best judgment of the bureau, such specifications are adequate, or in such other manner as may be prescribed by the rules and regulations promulgated under the authority of this act.

Sec. 4. Certificate of approval; notification of disapproval; hearing; appeal to secretary of internal affairs; appeal to common pleas.—When a type of weight or measure or weighing or measuring device is approved, the said bureau shall issue a certificate to this effect to the person submitting such type. When a type is disapproved, the said bureau shall notify the person submitting the same of its decision, setting out the reasons therefor, together with such information and references as may be useful in judging of the propriety of the disapproval, and shall give such person an opportunity to be heard in support of his application for approval. The bureau shall then reconsider its decision. If the new decision is adverse to such person, and he is dissatisfied with the same, he may take an appeal from this decision to the secretary of internal affairs, who shall examine the matter, and decide whether the type should be approved or disapproved. If the person is dissatisfied with the decision of the secretary of internal affairs, he may appeal to the court of common pleas of the county of which he is a resident, whose decision shall be final.

Sec. 5. Sale, etc., of unapproved weights and measures; existing weights and measures; weights and measures intended for use outside of State.—From and after one year after this act takes effect, it shall be unlawful for any person to manufacture, offer or expose for sale, or sell or give away, for use in trade or commerce, or to use in trade or

commerce, any weight or measure or weighing or measuring device of a type not approved in accordance with the provisions of this act: *Provided, however*, That in the case of weights and measures and weighing and measuring devices manufactured and ready for sale or in use in the Commonwealth of Pennsylvania at the time this section takes effect, no approval of type shall be necessary, and it shall be lawful for any person to offer or expose for sale or sell, for use in trade or commerce, or to use in trade or commerce, such weights and measures and weighing and measuring devices, unless they do not conform to or give correct results in terms of standard weights or measures or in terms of values derived therefrom: *And provided further*, That the type of a weight or measure or weighing or measuring device need not be approved if said weight or measure or weighing or measuring device is intended for shipment outside the State of Pennsylvania, but if said weight or measure or weighing or measuring device shall in fact be sold or offered for sale, for use in trade or commerce, or used in trade or commerce, in the Commonwealth of Pennsylvania, then this proviso shall not exempt such weight or measure or weighing or measuring device from the operation of any of the provisions of this act.

Sec. 6. Manufacturer's or vendor's guaranty.—No person shall be prosecuted under the provisions of this act if he can establish a guaranty, signed by the person from whom the weight or measure of weighing or measuring device was purchased, or otherwise obtained, or from the manufacturer thereof, to the effect that the type of the same has been approved, if such approval is required by the provisions of this act, and, if such approval is not required, setting out this fact, or if he can establish that the weight or measure or weighing or measuring device has been sealed by the local sealer of weights and measures. The said guaranty, to afford protection, shall contain the name and address of the guarantor, and, in such case, said guarantor shall be amenable to the prosecutions, fines, or other penalties which would attach in due course to such person under the provisions of this act. But in any case where any such person has actual notice that the type of such weight or measure or weighing or measuring device has not in fact been approved, when such approval is required by the provisions of this act, it shall be unlawful, and a violation of the provisions of this act, for such person thereafter to offer or expose such weight or measure or weighing or measuring device for sale, or to sell it, for use in trade or commerce, or to use it in trade or commerce.

Sec. 7. Registration, serial numbers, and description.—The bureau of standards shall register and give a serial number to each type of weight or measure or weighing or measuring device submitted and approved as provided in this act, and shall issue, from time to time, descriptions of such approved types, giving serial number of each type, copies of which shall be furnished to all weights and measures officials.

Sec. 8. Marking of weights and measures; marking impracticable.—From and after one year after this act takes effect, it shall be unlawful to manufacture, offer or expose for sale or sell or give away, for use in trade or commerce, or to use in trade or commerce, any weight or measure or weighing or measuring device which does not

have cast, stamped, etched, or otherwise marked thereon, in such manner as may be prescribed by the rules and regulations authorized by this act, the name of the manufacturer and the serial number of the approved type to which it belongs: *Provided, however*, That, whenever it shall appear to the satisfaction of the bureau of standards that any type of weight or measure or weighing or measuring device is such as to render it impracticable to mark it as required by this section, the said bureau shall furnish a certificate to that effect to any manufacturer applying for the same, and such weights and measures and weighing and measuring devices need not be marked as required by the provisions of this section.

Sec. 9. Marking of unapproved weights and measures; misdemeanor; penalty.—It shall be unlawful to cast, stamp, etch, or otherwise mark, upon any weight or measure or weighing or measuring device, the type of which has not been approved as required by the provisions of this act, any design or device simulating a serial number required by the provisions of section seven of this act.

Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 10. Parts of weights or measures.—In case any person may desire to have the type of a part of a weight or measure or weighing or measuring device separately approved and serialized, and shall apply therefor, and the bureau of standards decides that the part is such that this may properly be done, then such part may be approved and serialized or disapproved as to type, under the same provisions and restrictions as are applied to the approval and serialization or the disapproval of a type of weight or measure or weighing or measuring device by the provisions of this act.

Sec. 11. Marking of weights and measures not intended for use in trade; marking impracticable.—It shall be conclusively presumed that a weight or measure or weighing or measuring device is intended for use in trade or commerce if it is manufactured, offered or exposed for sale, or sold, for use in the Commonwealth of Pennsylvania, or is used therein, unless it shall bear a plain, legible, conspicuous, and permanent statement to this effect "Not legal for trade." It shall be unlawful to use in trade or commerce any weight or measure or weighing or measuring device which is marked as described above: *Provided, however*, That whenever it shall appear to the satisfaction of the bureau of standards that any type of weight or measure or weighing or measuring device is such as to render it impracticable to mark it as required by this section, or is of such design and construction that it is obviously not intended for use in trade or commerce, the said bureau shall furnish a certificate to that effect to any manufacturer applying for the same, and such types of weights and measures and weighing and measuring devices need not be marked as required by the provisions of this section.

Sec. 12. Rules and regulations.—Rules and regulations for the carrying out and enforcement of the provisions of this act, not inconsistent with the provisions thereof, shall be adopted by the bureau of standards, with the approval of the secretary of internal affairs, which rules and regulations shall include reasonable variations or

tolerances which may be allowed on weights and measures and weighing and measuring devices included within the provisions of this act, and also specifications for such weights and measures and weighing and measuring devices for the guidance of manufacturers in the design and construction of such weights and measures and weighing and measuring devices.

Sec. 13. Sealing of weights and measures; effect of approval of type.—Inspectors of weights and measures of the Commonwealth of Pennsylvania and of the several counties and cities of the Commonwealth of Pennsylvania may seal, for use in trade or commerce, all weights and measures and weighing and measuring devices, the type of which has been approved as required by the provisions of this act or specifically exempted from the necessity of approval by the provisions of this act, when they find that the same are within the tolerances prescribed under the rules and regulations: *Provided, however*, That this shall not be construed as meaning that the approval of a type shall be taken as evidence of the correctness of any individual weight or measure or weighing or measuring device of that type, or prevent any such inspector of weights and measures from prohibiting the use of or confiscating any individual weight or measure or weighing or measuring device which is found to be inaccurate or otherwise defective or unlawfully used.

Sec. 14. Violations; jurisdiction; penalty.—Any person, copartnership, association, or corporation who or which shall violate any provision of this act shall, upon conviction thereof in a summary proceding before any alderman, magistrate, or justice of the peace of the proper county or city, be punished for the first offense by a fine of not more than twenty-five dollars; and, upon conviction of the second offense, by a fine of not less than twenty-five dollars nor more than one hundred dollars; and, upon conviction for the third and each subsequent offense, by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars. In default of the payment of any fine as aforesaid, any person convicted shall be sentenced to serve one day in jail of the proper county for each dollar of the fine or costs.

Sec. 15. Enforcement.—It shall be the duty of the chief of the bureau of standards and his deputies and the inspectors of weights and measures of the several counties and cities who shall find satisfactory evidence of any violation of the provisions of this act to cause appropriate proceedings to be commenced and prosecuted, without delay, for the enforcement of the penalties as in such case herein provided: *Provided, however*, That no action or prosecution shall be brought against any person for any violation of this act unless the same is commenced within one year after the offense is committed.

Stats., 1920, p. 165.

Sec. 1684 (a1915). Powers vested in corporate officers.—The powers of the borough shall be vested in the corporate officers. They shall have power—

Sec. 1711. To regulate the scales, weights and measures.—To regulate the scales, weights, and measures, according to the standard of the Commonwealth; to provide for the confiscation of false weights

and measures, and to regulate the inspection and measurement, or weight, of articles offered for sale in the borough.

Stats., 1920, p. 355.

Sec. 3844 (1901). Municipal corporations, second class, corporate powers of; to regulate the weighing and measuring of commodities; sale of hay, coal, and wood.—To regulate the weighing and measuring of every commodity sold in the city, in all cases not otherwise provided by law; to provide for and regulate the inspection and weighing of hay, grain and coal, and the measuring of wood and fuel, to be used in the city, and to designate the place or places of the same; and to regulate and prescribe the place or places for exposing for sale hay, coal and wood, and to demand and receive reasonable fees for inspection, weighing and measuring, as aforesaid, and for the regulation and stamping of weights and measures.

Sec. 4218 (a1913). Municipal corporations, third class, corporate powers of; to regulate weighing and measuring commodities.—To regulate the weighing and measuring of every commodity sold in the city, in all cases not otherwise provided for by law, including the measuring of gas, water, and electric current; to provide for and regulate the inspection and weighing of hay, grain and coal, and the measuring of wood, bark and fuel, to be used in the city, and to designate the place or places of inspecting and weighing the same; and to regulate and prescribe the place or places for exposing for sale hay, coal, bark, and wood; and to demand and receive reasonable fees for inspection, weighing, and measuring, as aforesaid; and for the regulation and stamping of weights and measures, and the regulation and inspection of gas, water, and electric current meters, and other meters.

Stats., 1920, p. 18.

Sec. 193, as amended by P. L., 1923, Act 207, p. 321. Standards and classification of farm products; standards for receptacles; marks upon receptacles; canned farm products; congressional requirements.—After investigation and public hearing, and with the approval of the secretary of agriculture, the bureau may, from time to time, as far as practicable, establish and promulgate standards for the grade and other classification of farm products; and, in cooperation with the bureau of standards of the department of internal affairs, the bureau may establish and promulgate standards for receptacles for farm products, by which their quality, value, or quantity may be determined, and may make regulations governing the marks, brands, and labels, which may be required upon receptacles for farm products for the purpose of showing the name and address of the producer or packer or distributor, the quantity, nature, and quality of the product, or any of them, and for the purpose of preventing deception with reference thereto. The provisions of this paragraph shall not apply to canned farm products.

Any standard for any farm product, or any standard for any receptacle for farm products, or any requirement for marking receptacles for farm products, now or hereafter made mandatory under authority of the Congress of the United States, shall forthwith, as far as applicable, be established or prescribed and promulgated by the bureau as the official standard or requirement in this State.

No standard established, or requirement for marking prescribed under this section, shall become effective until the expiration of not less than six months after it shall have been promulgated.

Sec. 194, as amended by P. L., 1923, Act 207, p. 321. Selling of farm products which do not conform to standard; rules and regulations; manufacture or sale, etc., of receptacles which do not conform to standard; rules and regulations; sale, etc., of farm products in receptacles not properly marked; investigations and tests; procuring samples.—Whenever any standard for the grade or other classification of any farm product becomes effective under this act, no person thereafter shall pack for sale, offer for sale, consign for sale, or sell any such farm product, grown, manufactured, or prepared within this State, to which such standard is applicable, unless it conform to such standard, subject to such variations therefrom as may be allowed in the rules and regulations made under this act, except that any such farm product may be packed, offered, or consigned for sale, or sold, without conforming to the standard for the grade or other classification applicable thereto, if the product or the package containing it is not described, marked, or labeled in such a way as to indicate, or to appear upon ordinary observation, that the product conforms to the standard.

The director is authorized to make such rules and regulations under this act as may be deemed necessary to prevent deception with reference to any standards made effective under the act, except as it applies to standard receptacles for farm products.

Whenever any standard for a receptacle for farm products becomes effective under this act, no person thereafter shall manufacture for sale or shipment, sell, offer for sale, consign for sale, or ship any receptacle, either filled or unfilled, to which the standard is applicable, unless the receptacle conform to the standard, subject to such variations therefrom as may be allowed in the regulations made under this act. The bureau of markets and the bureau of standards of the department of internal affairs, by their joint action, are authorized to make such rules and regulations under this act as may be deemed necessary to enforce the provisions of this section relating to standard receptacles for farm products.

Whenever any requirement for the marking, branding, or labeling of a receptacle for farm products becomes effective under this act, no person thereafter shall pack for sale, offer for sale, consign for sale, or sell and deliver farm products in a receptacle to which such requirement is applicable, unless the receptacle be marked, branded, or labeled according to such requirement, or unless such product be brought from outside the State and offered for sale, consigned for sale, or sold in the original package.

The director is authorized, at any time, to cause such investigations, classifications, and tests to be made, and such certificates to be issued, and, upon payment or tender of payment of the market value thereof, to cause such samples to be taken as he may deem necessary to enforce the provisions of this section.

Sec. 200 (1919). Right of entry.—In carrying out the provisions of this act, the director, his employees, or agents, are authorized to enter, on any business day during the usual hours of business, any storehouse, warehouse, cold-storage plant, packing houses, stockyard,

railroad yard, railroad car, or any other building or place where farm products are kept or stored by any person engaged in marketing.

Sec. 201. Compulsory attendance of persons from whom reports have been requested; oaths; production of books, etc.—In carrying out the provisions of this act, the director, or his employes designated by him for the purpose, may require the attendance before him or any of them of any person from whom reports have been requested or of any employe of such person, may administer oaths to and take testimony of any such person or his employe, and may require the production by such persons or their employees of any books, records, and other documentary evidence relating to the farm product about which reports have been requested.

Sec. 202. Violations; misdemeanor.—Any person who violates any provisions of this act or of the regulations made under this act for carrying out said provisions; or who fails or refuses to comply with, or, with intent to deceive, answers or reports falsely in response to, any requirements of this act; or who wilfully interferes with the director, his employes, or agents in the execution or on account of the execution of his or their duties prescribed in this act, shall be guilty of a misdemeanor.

Sec. 203. Regulations.—Subject to the approval of the secretary of agriculture, the director is authorized to make and promulgate such regulations as may be necessary to carry out the provisions of this act.

Sec. 204, as amended by P. L., 1923, Act No. 207, p. 321. Violations; prosecution; penalties; violation in regard to receptacles; prosecution.—Any person violating, or failing or refusing to comply with, any of the provisions of this act, or, with intent to deceive, answers or reports falsely in response to any of the requirements of this act, or who willfully interferes with the director, his employees or agents, in the execution, or on account of the execution, of his or their duties prescribed in this act, shall be prosecuted in a summary proceeding before any alderman, magistrate, or justice of the peace of the proper city or county, and, upon being convicted thereof, shall be punished for the first offense by a fine of not more than twenty-five dollars, and upon conviction of the second offense by a fine of not less than twenty-five dollars nor more than one hundred dollars, and upon conviction of the third and each subsequent offense by a fine of not less than one hundred dollars nor more than five hundred dollars. In default of the payment of any fine, as aforesaid, any person convicted shall be sentenced to serve one day in the jail of the proper county for each dollar of the fine and costs.

Any violations of the provisions of this act relating to standard receptacles for farm products, which may be established as herein provided for, shall be prosecuted in a summary proceeding before any alderman, magistrate or justice of the peace of the proper city or county by the inspectors of weights and measures of the respective cities and counties and the chief of the bureau of standards of the department of internal affairs and his deputies.

Public Laws, 1925, Act No. 20, p. 34.

Sec. 1. Unlawful to sell oysters except by count.—That it shall be unlawful for any person, copartnership, association, or corporation,

or his, her, or its servants, agents, or employees, to sell oysters at retail, in any manner whatsoever, except by numerical count: *Provided, however*, That this act shall not apply to oysters sold at retail when in unopened, sealed, original containers in which they are shipped in interstate commerce.

Sec. 2. Violation of act a misdemeanor; penalty.—Any person, copartnership, association, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than twenty-five ($25) dollars, nor more than one hundred ($100) dollars, or, in the case of individuals, to undergo an imprisonment of not less than (30) days, nor more than sixty (60) days, or both.

Sec. 3. Enforcement of act.—The department of agriculture shall be charged with the enforcement of this act.

Sec. 4. Fines, disposition of.—All fines imposed and recovered for the violation of any of the provisions of this act shall be paid to the department of agriculture or its agent, and when so collected and paid shall thereafter be, by the department of agriculture, paid into the State treasury for the use of the Commonwealth.

Public Laws, 1925, Act. No. 152, p. 229.

Sec. 6. Label for paint must show name of manufacturer.—The label required by this act shall clearly and distinctly state the name and residence of the manufacturer of the paint, putty, or naval stores, or of the distributor thereof, or of the party for whom same is manufactured. Such label shall be printed in plain, legible type, and so far as possible common English words shall be used instead of technical terms.

Sec. 7. Label must show weight or measure.—The label on all liquid or mixed paint shall show the net measure of the contents of the container; and on all paste and semipaste paint sold by weight, the net weight of the contents of the package; or if sold by measure, the net measure of such contents.

Sec. 10. Possession of improperly marked articles prima facie evidence of violation of act.—The having in possession of by any person, firm, or corporation dealing therein, of any of the articles hereinbefore described and improperly marked or not correctly labeled, as provided in this act, shall be considered prima facie evidence that the same are kept by such person, firm, or corporation in violation of the provisions of this act.

Sec. 11. Enforcement.—The department of agriculture of the Commonwealth is hereby charged with the enforcement of the provisions of this act.

Sec. 12. Access to buildings and power to open packages.—The department of agriculture, by its assistants, experts, chemists, and agents, shall have access to all places of business, stores, and buildings used for the sale of paint, putty, and naval stores, as hereinbefore defined, or any substitute therefor, and shall have power and authority to open any package, can, jar, tub, or other receptacle containing articles subject to the provisions of this act, which may there be sold, offered or kept for sale, for the purpose of obtaining samples for chemical analysis or examination, and to determine whether or not any of the provisions of this act have been violated.

Sec. 13. Violation a misdemeanor.—Any person, firm, or corporation, or violator of any of the provisions of this act, or assisting or taking part in the violation of any of said provisions, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Stats., 1920, p. 2089.

Sec. 21540 (1834). Denominations; linear measure.—The denominations of linear measure of this Commonwealth, whereof the yard as heretofore provided is the standard unit, with the relations thereof, shall be as follows:

Twelve inches make one foot.
Three feet make one yard.
Five and a half yards make one rod, pole or perch.
Forty rods make one furlong.
Eight furlongs make one mile.

Sec. 21541. Of superficial measure; perch; rood; acre.—The denominations of superficial measure of this Commonwealth, whereof the square of the linear yard, as heretofore provided, is the standard unit, with the relations to said standard and to each other shall be:

Thirty and one-fourth square yards make one pole or perch.
Forty square poles make one rood.
Four square roods make one acre.
Six hundred and forty acres make one square mile.

Sec. 21542. Liquid measure; gill; quart; gallon; barrel; hogshead; pipe; tun.—The denominations of liquid measure of this Commonwealth, whereof the gallon as heretofore provided is the standard unit, with the relations to said unit and to each other, shall be:

Four gills make one pint.
Two pints make one quart.
Four quarts make one gallon.
Thirty-one and a half gallons make one barrel.
Two barrels make one hogshead.
Two hogsheads make one pipe.
Two pipes make one tun.

Sec. 21543. Dry measure; bushel; peck.—The denominations of dry measure of this Commonwealth, whereof the bushel as heretofore provided is the standard unit, with the relations to said standard and to each other, shall be:

Four pecks make one bushel.

And the minor divisions of the peck shall be its aliquot parts: *Provided*, That the form of the dry measure shall be conical; that the diameter of the circle of the top of the measure shall be not less than one-twentieth greater than the diameter of the bottom of the measure, and the height not more than nine twelfths of the diameter of the bottom.

Sec. 21544. Troy weight; pennyweight; ounce; pound.—The denominations of weight of this Commonwealth, whereof the troy pound as heretofore provided is the standard unit, with the relations thereof to said standard and to each other, shall be:

Twenty-four grains make one pennyweight.
Twenty pennyweights make one ounce.
Twelve ounces make one pound.

Sec. 21545. Avoirdupois weight; ounce; pound; quarter; hundredwreight; ton.—The denominations of weight of this Commonwealth, whereof the pound avoirdupois as heretofore provided is the standard unit, with the relations to said pound and to each other, shall be:

Sixteen drams make one ounce.

Sixteen ounces make one pound.

Twenty-five pounds make one quarter.

Four quarters make one hundred.

Twenty hundreds make one ton.

Sec. 21585 (1891). Weight of a cord of bark.—From and after the passage of this act, the standard weight of a cord of hemlock, oak or other bark, when sold by the cord or ton, shall be two thousand pounds for each and every cord, and two thousand pounds for each and every ton.

Sec. 21586 (1797). Bread to be sold by weight; penalty.—All loaf bread made for sale within this Commonwealth, shall be sold by the pound avoirdupois; and every baker or other person offering the same for sale shall keep at his or her house, or at such other place at which he or she shall at any time offer or expose for sale any bread, sufficient scales and weights, lawfully regulated, for the purpose of weighing the same; and if any baker or other person shall sell or offer for sale any loaf bread, in any other manner, the contract respecting the same shall be void; and the person offending against this act shall, on conviction, forfeit and pay the sum of ten dollars for every such offense, one-half to the use of the informer, and the other half to the use of this Commonwealth; and it shall be the especial duty of the clerk of the market, in any place where such an officer is appointed, to discover and prosecute all persons offending against this act.

Sec. 21589 (1878). Weight of bituminous coal.—The standard weight of bituminous coal, in this Commonwealth, shall be seventy-six pounds to the bushel, and two thousand pounds shall be one ton.

Sec. 21590. Penalty for violation.—If any person or persons, engaged in the business of mining bituminous coal, shall fix or establish, or shall attempt to fix or establish, any other number of pounds, by agreement of contract, to be a bushel of bituminous coal, than as is provided for in the first section of this act, such person or persons shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not less than five hundred and not exceeding one thousand dollars, and all penalties recovered under this act shall be paid into the treasury of the State.

Sec. 21598 (1895). 2,240 pounds avoirdupois to make a ton of anthracite coal.—On and after the first day of July, Anno Domini one thousand eight hundred and ninety-five, two thousand two hundred and forty pounds avoirdupois shall make and constitute a legal ton of anthracite coal throughout this Commonwealth in all transactions between retail coal dealers and their customers.

Sec. 21599. Selling less for a ton; tolerance.—Any person, firm or corporation guilty of violating the provisions of section one of this act whereby it is attempted to sell less than two thousand two hundred and forty pounds to a ton, or a proper proportion thereof to quantities less than a ton, shall, upon conviction thereof before any justice of the peace or alderman, after hearing on complaint made, shall be liable to a penalty not exceeding fifty dollars, recoverable

as like penalties are within this Commonwealth: *Provided*, That in all cases forty pounds shall be allowed for the variation in scales.

Sec. 21600. Fines.—All fines recovered under this act shall be paid to the treasurer of the county wherein the action is brought.

Sec. 21601 (1911). Cities of the first class; sale of anthracite; delivery ticket; violations; penalty.—In all cities of the first class throughout this Commonwealth, in the sale of anthracite coal by retail, every cart, wagon, or other vehicle used in delivering such coal shall be accompanied by a delivery ticket for the purchaser, which shall state clearly the quantity of coal contained therein, the name of the purchaser or delivery address, name of the dealer by whom sold and delivered, and the name of the driver in charge.

Any person, firm, or corporation who shall violate the provisions of this section, shall, on complaint of purchaser, be liable to a penalty not exceeding fifty dollars ($50.00), to be collected by summons issued before any justice of the peace or magistrate, the action to be brought in the name of the city where the offense is committed, and said penalty shall be paid into the city treasury.

Sec. 21602 (a1913). Petition; public scales; official public weighmaster; fee; index.—Upon the petition of any twenty-five reputable citizens, in any city of the first class in this Commonwealth, it shall, at any time hereafter, be lawful for the court of quarter sessions, the territorial jurisdiction of which includes such city, to designate, by order or decree, as public scales such stationary scales as may be recommended, provided, or located by such petitioners, with the consent of owner or lessee of same, to whom the court shall issue a certificate as an official public weighmaster, and a sign, as such, shall be conspicuously displayed on the premises. The said appointment as such official weighmaster is to continue, with all its privileges, duties, and obligations, till revoked by the court on petition of such weighmaster, or on other cause shown on petition to the court, signed by ten reputable citizens living in said city. Such weighstations may be located in different parts of such cities, and in such convenient number and locality as shall be proper and necessary for the convenient weighing of coal. Such weighmaster, or his agent, for whom he shall be responsible, shall be in attendance at such scales, and shall be entitled to charge a fee of thirty cents ($0.30) per load of coal weighed; empty vehicles returning to such scales after delivery of the coal so weighed shall be reweighed without further charge. An index of all scales so designated shall be kept for public inspection in the office of the clerk of the court of quarter sessions.

Sec. 21603 (1911). Bond of weighmaster; conditions.—Every weighmaster of such scales, so designated, shall execute a bond payable to the city in which such scales are situate, in the sum of one thousand dollars (1,000.00), with one or more sufficient sureties to be approved by the court, conditioned that said scale shall be tested by a competent scale maker at least once every three months, and be kept at all times in condition to properly and accurately register the weight of coal; and, further, that the weighmaster provided for such scales will perform his duties honestly and faithfully, and will furnish correct certificates to all persons having coal or coal conveyances, aforesaid, weighed at such scales. Upon proof that any of the conditions of any such bond have not been complied with, or have

been violated, the city to which such bond is given may recover the amount thereof in proper action.

Sec. 21604. Scale book; entries; official record; certificate as evidence.—Each weighmaster of scales thus designated as weigh-stations, as aforesaid, shall keep a book, in which shall be accurately entered, in ink, a memorandum of every load of coal weighed at such scales; showing the name of the person, firm, or corporation delivering said coal, and the name of the driver, or other person in charge of such delivery; the net weight thereof, as shown by the delivery ticket herein provided for, furnished by such person, firm, or corporation, the name of the purchaser thereof; the gross and net weight of the coal so weighed; the name of the weighmaster or his agent weighing the same, and the date of weighing. Said book shall be an official record, and all certificates delivered by such weighmasters or their agents shall be copies of the entries contained therein, and shall be received in all the courts of this Commonwealth as evidence of the facts therein required to be certified or entered. It shall be the duty of the county commissioners of such counties to provide all official weighmasters with blank books and certificates prepared in conformity with the provisions of this act, but each weighmaster must provide his own books and certificates when not supplied by the county commissioners.

Sec. 21605. False weighing or certification; penalty.—Any weighmaster of such scales, or any agent or representative of such weighmaster, who shall be guilty of, or in any manner engaged or concerned in, any false or fraudulent weighing of coal at such scales, or who shall give any false or fraudulent certificate of the weight of coal at such scales, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars ($500.00), or by imprisonment not exceeding one year, or both.

Sec. 21606. Rights of purchaser; weighing of coal; weighing of vehicle; certificate; cartage; refusal of seller.—It shall be the privilege or right of any purchaser of anthracite coal, delivered by cart, wagon, or other vehicle, in any of the cities of the first class of this Commonwealth, before accepting the same, to have all of said coal or any load of it weighed, at his expense, at any of the weigh-stations designated under the provisions of section two of this act, provided, such weigh-station is located within ten city blocks of the place of loading or of the place of delivery of said coal; and may require that any cart, wagon, or conveyance, aforesaid, containing coal intended to be delivered to him, shall be taken by the driver or other person in charge thereof immediately and directly to such scales, for the purpose of having the same weighed; and, after the delivery of such coal, said purchaser may also require that the cart, wagon, or conveyance, aforesaid, in which said coal is delivered, shall be taken by the driver or person in charge thereof immediately back to said weigh-station, by the most direct route and without unnecessarily stopping on the way, to be weighed at the expense of such purchaser; and a certificate of the weight of such coal, so weighed as aforesaid, shall thereupon be furnished to the purchaser of said coal by the weigh-master, or his representative at such scales, at which such coal was so weighed, and a duplicate of said certificate shall there-

upon be forwarded, at the expense of the weigh-master of such scales, to the person, firm, or corporation delivering said coal: *Provided*, That whenever coal is to be so weighed, such purchaser must allow the driver in charge thereof reasonable opportunity to notify the person, firm, or corporation selling said coal, so that such person, firm, or corporation, or a representative thereof, may be present at the weighing, should they so desire: *Provided also*, *however*, That no purchaser shall avail himself of the privileges of this act, in providing for the weighing of his coal, unless he shall have first tendered to the person in charge of the delivery the sum of fifty cents ($.50) for each ton of coal to be weighed, as compensation for cartage for his employer: *Provided also*, That this method of weighing shall not be binding on any purchaser of coal if he shall not deem it convenient, satisfactory, or expeditious.

Sec. 21607. Penalty; police powers; refusal of driver; penalty.—The refusal of the seller of the coal to allow the same to be weighed, as provided by this act, shall render the person, firm, or corporation selling the said coal liable to a payment of a penalty of fifty dollars ($50.00), which may be recovered by civil action, brought in the name of the city wherein such act occurs, before any justice of the peace or magistrate; and which penalty, as well as the amount or amounts which may be collected on the bonds, under section three of this act shall when collected be paid into the treasury of said city. Any police officer or constable of any city of the first class, when called upon, shall have power without warrant to arrest any driver or other person, charged with the delivery of coal as aforesaid, who shall refuse to take such coal to the scales and permit the same, or the wagon, cart, or conveyance aforesaid, to be weighed in accordance with the provisions of section six of this act; and such driver or other person so arrested, shall be subject to a fine or penalty of five dollars ($5.00), to be collected by summary conviction before any magistrate or justice of the peace, and when collected to be paid into the city treasury, and in default of payment, such person so convicted may be committed by said justice of the peace or magistrate to the county prison, for a term not exceeding five days.

Sec. 21608. Docket.—Each and every magistrate or justice of the peace in cities of the first class shall keep a docket, in which shall be entered a full and complete record of the proceedings had before him for the violation of any of the provisions of this act.

Sec. 21641 (1901). Correct weight to be marked.—Hereafter all baled hay and straw shall be properly bound with wire, rope or other material to hold it in bundle, and the correct weight shall be plainly marked on each bale.

Sec. 21642. Weight of baling material.—The wood or other material used in baling cut hay shall not exceed in weight eight per centum of the weight of the entire bundle, and no wood, except for a marking block, shall be used in baling long hay or straw.

Sec. 21643. Certain acts misdemeanor.—Any person who shall mark a bale of hay or straw higher than its actual weight, or who shall use more than eight per centum of its weight of wood or other material to hold it in bundle, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, in the discretion of the court before whom conviction may be secured.

Sec. 21644 (1876). Penalty for fraud in baling hay and straw; penalty.—Any person or persons within this Commonwealth who shall sell, or cause to be sold or exchanged, in any manner whatsoever, baled hay, straw or other material of a like nature, by weight, and shall include in the weight of said baled hay, straw or other substance of a similar nature, any concealed or exposed matter, for the purpose of increasing the weight, shall be deemed guilty of a misdemeanor; and on being convicted thereof, shall be fined not exceeding one hundred dollars, and imprisoned not exceeding six months, either or both, at the discretion of the court.

Sec. 21650 (1919). Dealers in milk and cream; use of standard Babcock testing glassware.—Every person, firm, company, association, corporation, or agent thereof, engaged in the business of buying milk or cream on the basis of, or in any manner with reference to, the amount or percentage of butterfat contained therein, as determined by the "Babcock test," shall use standard "Babcock" bottles, pipettes, and weights, as defined in section two of this act. All such Babcock test bottles, pipettes, and weights, so used, shall have been inspected for accuracy by the bureau of standards of Pennsylvania or its proper officer or agent, and shall be legibly and indelibly marked, by the said bureau of standards or its inspectors of weights and measures, with the letters "S. G. P." (Standard Glassware Pennsylvania), and no Babcock bottle, pipette, or weight shall be used for such test unless so examined and marked by the said inspectors of weights and measures. It shall be unlawful for any person, persons, firm or company, association, corporation, or any agents, to use any other than standard test bottles, pipettes, and weights, which have been examined and marked as provided in this section, to determine the amount of fat in milk or cream bought on the butterfat basis as determined by the Babcock test.

Sec. 21651, as amended by P. L., 1921, Act 152, p. 300. Standard Babcock testing of glassware.—The term "Standard Babcock testing glassware" shall apply to glassware and weights complying with the following specifications:

(*a*) Standard milk test bottles.

Graduation: The total per centum graduation shall be eight. The graduated portion of the neck shall have a length of not less than sixty-three and five-tenths millimeters (two and one-half inches). The graduations shall represent whole per centum, five-tenths per centum, and tenths per centum. The tenths per centum graduation shall not be less than three millimeters in length; the five-tenths per centum graduations shall be one millimeter longer than the tenths per centum graduations, projecting one millimeter to the left; the whole per centum graduations shall extend at least one-half way around the neck to the right and projecting two millimeters to the left of the tenths per centum graduations. Each per centum graduation shall be numbered, the number being placed on the left of the scale. The error at any point of the scale shall not exceed one-tenth per centum.

Neck: The neck shall be cylindrical, and the cylindrical shape shall extend for at least five millimeters below the lowest and above the highest graduation mark. The top of the neck shall be flared to a diameter of not less than ten millimeters.

Bulb: The capacity of the bulb up to the junction of the neck shall not be less than forty-five cubic centimeters. The shape of the

bulb may be either cylindrical, or conical with the smallest diameter at the bottom. If cylindrical, the outside diameter shall be between thirty-four and thirty-six millimeters; if conical the outside diameter of the base shall be between thirty-one and thirty-three millimeters, and the maximum diameter between thirty-five and thirty-seven millimeters.

The charge of the bottle shall be eighteen grams.

The total height of the bottle shall be between one hundred and fifty and one hundred and sixty-five millimeters (five and seven-eighths and six and one-half inches).

(*b*) Standard cream test bottles.

Three types of bottles shall be accepted as standard cream test bottles: A fifty per centum, nine gram, short-neck bottle; a fifty per centum nine gram, long-neck bottle; and a fifty per centum, eighteen gram, long-neck bottle.

Fifty per centum, nine gram, short-neck bottles:

Graduations: The total per centum graduation shall be fifty. The graduated portion of the neck shall have a length of not less than sixty-three and five-tenths millimeters (two and one-half inches). The graduation shall represent five per centum, one per centum, and five-tenths per centum. The five per centum graduations shall extend at least half way around the neck to the right. The five-tenths per centum graduations shall be at least three millimeters in length, and the one per centum graduations shall have a length intermediate between the five per centum and the five-tenths per centum graduations. Each five per centum graduation shall be numbered, the number being placed on the left of the scale. The error at any point of the scale shall not exceed five-tenths per centum.

Neck: The neck shall be cylindrical and the cylindrical shape shall extend at least five millimeters below the lowest, and five millimeters above the highest graduation mark. The top of the neck shall be flared to a diameter of not less than ten millimeters.

Bulb: The capacity of the bulb up to the junction of the neck shall not be less than forty-five cubic centimeters. The shape of the bulb may be either cylindrical, or conical with the smallest diameter at the bottom. If cylindrical, the outside diameter shall be between thirty-four and thirty-six millimeters; if conical, the outside diameter of the base shall be between thirty-one and thirty-three millimeters, and the maximum diameter between thirty-five and thirty-seven millimeters.

The charge of the bottle shall be nine grams. All bottles shall bear on top of the neck, above the graduations, in plainly legible characters a mark defining the weight of the charge to be used (nine grams).

The total height of the bottle shall be between one hundred and fifty and one hundred and sixty-five millimeters (five and seven-eighths and six and one-half inches), same as standard milk test bottles.

Fifty per centum, nine gram, long-neck bottles.

The same specifications in every detail as specified for the fifty per centum, nine gram, short-neck bottle, shall apply for the long-neck bottle, with the exception, however, the total height of this bottle shall be between two hundred and ten and two hundred and

thirty-five millimeters (eight and one-fourth and eight and seven-eighths inches), and that the total length of the graduation shall not be less than one hundred and twenty millimeters.

Fifty per centum, eighteen gram, long-neck bottles:

The same specification in every detail as specified for the fifty per centum, nine gram, long-neck bottles, except that the charge of the bottle shall be eighteen grams. All bottles shall bear, on the top of the neck, above the graduation, in plainly legible characters, a mark defining the weight of the charge to be used (eighteen grams).

(*c*) The standard Babcock pipette.

Total length of pipette, not more than three hundred and thirty millimeters (thirteen and one-fourth inches). Outside diameter of suction tube, six to eight millimeters. Length of suction tube, one hundred and thirty millimeters. Outside diameter of delivery tube, four and five-tenths to five and five-tenths millimeters. Length of delivery tube, one hundred to one hundred and twenty millimeters. Distance of graduation mark above bulb, fifteen to forty-five millimeters. Nozzle, straight. Delivery, seventeen and six-tenths cubic centimeters of water at twenty degrees Centigrade in five to eight seconds. Maximum error shall not exceed five-hundredths of a cubic centimeter.

(*d*) Standard weights.

The standard weights shall be of nine (9) grams and eighteen (18) grams denominations.

Sec. 21652. Penalties.—Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and shall be subject to the same penalties as provided in the act to which this is a supplement.

Sec. 21653. Enforcement.—The bureau of standards of the State of Pennsylvania, through its inspectors of weights and measures, shall be charged with the enforcement of the provisions of this act.

Sec. 21654. When effective.—The provisions of this act shall take effect January first, one thousand nine hundred and twenty, with the exception that the provisions of section two, as respects the denominations of the glassware therein specified, shall not be held to require the abandonment of the use of glassware of other denominations in use at the time of the passage of this act, provided that the said glassware of other than standard denominations shall have been certified, after examination by the proper officer of the Pennsylvania bureau of standards, to be correct to their graduations.

Sec. 21656 (1877). Weight of salt per barrel.—All salt manufactured by evaporation, within the limits of this Commonwealth, and put in packages purporting to be a barrel, said package shall contain two hundred and eighty (280) pounds of salt, and this exclusive of the weight of the package.

Sec. 21658 (1864). Sale of shingles, etc., by the thousand.—It shall not be lawful for any person or persons engaged in the business of purchasing, collecting or furnishing shingles or hoop-poles, shaved hoops, straps, shucks, staves and heading, of any kind of material whatsoever, used in the manufacture of wooden vessels, to demand or deliver more than ten hundred pieces in number for one thousand; and that when any or either of the above-mentioned articles of lumber be purchased or sold by the thousand, it shall be so considered, any custom or usage to the contrary notwithstanding.

Sec. 21659 (1817). Standard dimensions of cord of wood in Philadelphia.—The standard dimensions of a cord of wood or bark for fuel, exposed to sale within the city and county of Philadelphia, shall be eight feet in length, four feet in breadth, and four feet in height, containing one hundred and twenty-eight feet, solid measure; but if it shall so happen, before the first day of September next, that any wood brought to market shall be under the average length of four feet, including one-half of the kerf, the deficiency shall be made up in the breadth or height.

Sec. 21660. Length of cord wood; piling cord wood; corder not to buy to sell for profit.—From and after the first day of September next, all cord wood brought to market within the city and county of Philadelphia, shall be at least four feet in length, including one-half the kerf, and the cord shall be computed at the rate of eight feet in length, four feet in breadth and four feet in height, well stowed and packed, the straight wood shall be placed or caused to be placed by all vendors of cord wood compactly in the lower part of the pile, and the crooked wood in the upper part thereof, and a reasonable and fair allowance shall be made by all corders or vendors of wood for the loss sustained by crooked or uneven wood; nor shall any corder of wood purchase any wood for the purpose of selling the same again, by which sale he may derive a compensation or profit; and the same is hereby declared to be unlawful.

Sec. 21661. Seizure and forfeiture of wood; penalties for violations of act; how recoverable.—From and after the first day of September next if any person shall expose to sale within the city and county of Philadelphia any wood less than four feet in length, it shall be liable to be seized by any corder of wood and forfeited, one-half to the use of said corder, and the other to the guardians of the poor of the city, district or township in which it shall be seized; but in case the person exposing the wood for sale, shall deem himself aggrieved thereby, he may appeal to any alderman or justice of the peace of the city, district or township in which the seizure is made, who shall hear, try and determine the same; and if any person shall, within the said limits, sell as a cord of wood or bark, for fuel, any quantity less than the standard measure prescribed by this act, unless the same shall have been previously measured by a corder, and is sold without any change since such measurement, he shall forfeit and pay the sum of ten dollars; and if any corder shall refuse or neglect to perform the duties enjoined upon him by this act, he shall for every such offense forfeit and pay the sum of ten dollars; and if any corder shall purchase any wood for the purpose of selling again, he shall forfeit and pay the sum of one hundred dollars, which several penalties and forfeitures may be recovered as debts of a similar amount are by law recoverable before any alderman or justice of the peace within the city, district or township in which the offense shall have been committed, and shall be one-half for the use of the person prosecuting for them, and the other for the guardians of the poor of the said city, district and township.

Stats., 1920, p. 1473.

Sec. 15058 (1907). Milk, skim milk, and cream; standard of measurement.—On and after the first day of July, one thousand nine hundred and seven, it shall be unlawful for any person, firm, or corporation

to sell or offer for sale, or demand from any person offering for sale, either wholesale or retail, within the State of Pennsylvania, any milk, skim-milk, and cream according to any other standard of measurement than that known as the liquid, or wine, measure, containing two hundred and thirty-one cubic inches to the gallon: *Provided*, That nothing in this act will prevent the sale of milk, skim-milk, and cream by weight or percentage of butter-fat.

Sec. 15059. Violation; penalty.—Every person, firm, or corporation, and every officer, agent, servant, or employe of such person, firm, or corporation, who shall violate any of the provisions of this act; or any person, firm or corporation, and every officer, agent, servant, or employe of such person, firm, or corporation, demanding, offering, and receiving a greater measure than that specified in the first section of this act, shall be deemed guilty of a misdemeanor, and, upon the conviction thereof in the court of quarter sessions of the proper county, shall be sentenced to pay a fine of not less than twenty-five dollars and not more than one hundred dollars, with costs of prosecution, or undergo imprisonment not exceeding thirty days, or both, at the discretion of the court.

Stats., 1920, p. 1022.

Sec. 10591 (1901). Weight of kegs of black blasting powder regulated; kegs to be stamped with weight of powder, etc.—On and after the first day of August, anno Domini one thousand nine hundred and one, each and every keg of black blasting powder used, manufactured or sold in and around the coal mines of this Commonwealth, shall contain twenty-five pounds of said black blasting powder, standard weight; every one-half keg shall contain twelve and a half pounds of said black blasting powder, standard weight, and every quarter keg shall contain six and one-quarter pounds of said black blasting powder, standard weight; each of said kegs to be plainly stamped with the name of the person, firm or corporation manufacturing said powder, and also the number of pounds of powder contained in said keg.

Sec. 10592. Penalty—Any manufacturer or dealer in said black blasting powder, making or selling, or causing to be made or sold, any keg, half-keg or quarter-keg of said black blasting powder containing less weight of said powder than specified in this act or which keg shall not be stamped as required in section 1 of this act [section 10591], shall be subject to a penalty of five dollars for each and every keg, half-keg or quarter-keg, manufactured or sold, which does not contain the respective weights of black blasting powder set forth in the foregoing section.

Stats., 1920, p. 1101.

Sec. 11272 (1873). Sale of timber on the Ohio.—It shall be lawful for any persons haying timber, boards or other lumber upon the Ohio River, or any of its tributaries, in this State, to sell the same under any measurement they may agree upon, or under measurements which may be made by any person or persons whom they and their vendees, under contract, may select, any local law, usage or ordinance to the contrary notwithstanding: *Provided*, That square timber shall be measured with the usual five-inch hook, unless the parties shall otherwise contract.

Stats., 1920, p. 29.

Sec. 296 (a1917). Sale of fertilizers.—That all corporations, associations, partnerships, or persons, before selling or offering for sale any commercial fertilizer in the Commonwealth, except the dung of domestic animals, lime, marl, and wood ashes, shall brand or attach to each bag, barrel, or package in a conspicuous place on the outside thereof, a plainly printed statement giving the following particulars and no others:

(1) The number of pounds of fertilizer contained in the package.

(2) The name, brand, or trade-mark under which the fertilizer is sold.

(3) The name and principal address of the manufacturer, importer, or other person putting the fertilizer on the market in this Commonwealth. * * *

Sec. 303 (1915). Department of agriculture.—That every bag, barrel, or other package or quantity, of any pulverized limestone, ground oyster shells, artificial carbonate of lime, ground lime, spraying lime, slaked-lime, hydrated lime, hydrated spraying lime, marl, gypsum, or land-plaster, sold, offered, or exposed for sale, within this Commonwealth for use as a soil amendment or as an ingredient or reagent in the preparation of any fungicide or insecticide, shall have attached to it or be accompanied, in the manner provided in section three hereof, by a plainly printed statement giving the name and address of the manufacturer or importer and his place of business, the brand or trade-name of said material, the net weight of the contents of the package, when sold in package, and a statement declaring, with respect to pulverized limestone, ground oyster shells, and artificial carbonate of lime: (*a*) The degree of fineness of the material, in terms of the minimum sieve-mesh, expressed in fractions of an inch, through which the coarsest particles of said material can pass; and * * * The provisions of this act shall not, however, apply to air-slaked lime, kiln-slaks, gas-house lime, or tanners' lime, when sold as such.

Stats., 1920, p. 393.

Sec. 403 (1909). Concentrated commercial feeding stuffs to bear net weight.—Every barrel, bag, pail, parcel, or other package of concentrated commercial feeding stuffs, as defined in section two of this act, used for feeding domestic animals, also condimental stock and poultry-food, and patented, proprietary, or trade-marked stock and poultry-food, possessing nutritive value combined with medicinal properties, sold, offered, or exposed for sale, within this State, shall have affixed thereto, in a conspicuous place on the outside thereof, a legible and plainly-printed statement in the English language, clearly and truly certifying the number of net pounds of feeding-stuff contained therein, the name, brand, or trade mark under which the article is sold; the name and address of the manufacturer or importer, * * *

Stats., 1920, p. 2056.

Sec. 21193 (a1919). Standard time; Federal time.—On and after the first day of July anno Domini one thousand eight hundred and eighty-seven, the mean solar time of the seventy-fifth meridian of longitude west of Greenwich, commonly called eastern standard

time, shall be the sole and uniform legal standard of time throughout this Commonwealth; and on and after the date aforesaid all days shall everywhere be taken to begin and end in accordance with said standards; * * * *And provided further*, That when the standard time shall be advanced, for any portion of the year, by any act of Congress, now in force or hereafter passed, the time so fixed by such act of Congress shall be the standard time of this Commonwealth for such portion of the year.

Stats., 1920, p. 1519.

Sec. 15599 (1883). Cars to be of uniform capacity; to be branded by mine inspector; penalty for violation; exceptions.—At every bituminous coal mine in this Commonwealth, where coal is mined by measurement, all cars, filled by miners or their laborers, shall be uniform in capacity at each mine; no unbranded car or cars shall enter the mine for a longer period than three months, without being branded by the mine inspector of the district, wherein the mine is situated; and any owner or owners, or their agents, violating the provisions of this section, shall be subject to a fine of not less than one dollar per car, for each and every day, as long as the car is not in conformity with this act; and the mine inspector of the district where the mine is located, on receiving notice from the check-measurer or any five miners working in the mine, that a car or cars are not properly branded, or not uniform in capacity, according to law, are used in the mine where he or they are employed, then, inside of three days from the date of receiving said notice, it shall be his duty to enforce the provisions of this section, under penalty of ten dollars for each and every day he permits such car or cars to enter the mine: *Provided*, That nothing contained in this section shall be construed or applied to those mines wh[ich] do not use more than ten cars.

Sec. 15600. Miners may employ check-weighman or measurer.—At every bituminous coal mine in this Commonwealth, where coal is mined by weight or measure, the miners, or a majority of those present at a meeting called for that purpose, shall have the right to employ a competent person as check-weighman or check-measurer, as the case may require, who shall be permitted at all times to be present at the weighing or measurement of coal, also have power to weigh or measure the same, and during the regular working hours to have the privilege to balance and examine the scales, or measure the cars: *Provided*, That all such balancing and examination of scales shall only be done in such way, and in such time, as in no way to interfere with the regular working of the mines. And he shall not be considered a trespasser during working hours, while attending to the interests of his employers. And in no manner shall he be interfered with or intimidated by any person, agent, owner or miner. And any person violating these provisions shall be held and deemed guilty of a misdemeanor, and, upon conviction thereof, he shall be punished by a fine of not less than twenty dollars, and not exceeding one hundred dollars, or imprisonment, at the discretion of the court. It shall be a further duty of [the] check-weighman or check-measurer, to credit each miner with all merchantable coal mined by him, on a proper sheet or book to be kept by him for that purpose. When differences arise between the check-weighman or check-meas-

urer and the agent or owners of the mine, as to the uniformity, capacity or correctness of scales or cars used, the same shall be referred to the mine inspector [5] of the district where the mine is located, whose duty it shall be to regulate the same at once; and in the event of said scales or cars proving to be correct, then the party or parties applying for the testing thereof shall bear all costs and expenses thereof; but if not correct, then the owner or owners of said mine to pay the costs and charges of making said examination: *Provided, further*, That should any weighman or weighmen, agent or check-measurer, whether employed by operators or miners, knowingly, or willfully adopt or take more or less pounds for a bushel or ton than as provided for in the first section of this act, or willfully neglect the balancing or examining of the scales or cars, or knowingly and willfully weigh coal with an incorrect scale, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned in the county jail for three months.

Sec. 15601 (1897). Screening bituminous coal before weighing prohibited.—It shall be unlawful for any mine owner, lessee or operator of any bituminous coal mine in this Commonwealth, employing miners at bushel or ton rates, or other quantity, to pass the output of coal mined by said miners over any screen or other device which shall take any part from the weight, value or quantity thereof, before the same shall have been weighed and duly credited to the employee sending the same to the surface and accounted for at the legal rate of weight fixed by the laws of this Commonwealth.

Sec. 15602. Violation of this act declared a misdemeanor.—Any owner, lessee or operator of any bituminous coal mine, violating the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction, for each and every such offense, be punished by a fine of not less than one hundred ($100) dollars nor more than five hundred ($500) dollars, or by imprisonment in the county jail for a period not to exceed ninety days, or by both such fine and imprisonment, at the discretion of the court; proceedings to be instituted in any court of competent jurisdiction.

Sec. 15606 (1883). Miners to be paid for the quantity of coal mined, irrespective of size; weight of bushel; ton; contracts for measuring.—Any miner employed by an individual, firm or corporation for the purpose of mining coal, shall be entitled to receive from his employer, and failing to receive, then to collect, by due process of law at such rates as may have been agreed upon between the employer and the employed, full and exact wages accruing to him for the mining of all sizes of merchantable coal so mined by him, whether the same shall exist in the form of nut or lump coal; and in the adjudication of such wages, seventy-six pounds shall be deemed one bushel, and two thousand pounds net, shall be deemed one ton of coal: *Provided*, That nothing contained in this act shall be construed to prevent operators and miners contracting for any method of measuring and screening the coal mined by such miners, as they may contract for.[6]

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[5] See section 21547, p. 667, relative to inspection of mine scales by State bureau of standards.

[6] This proviso would seem to be repealed as to bituminous coal mines by the act of July 15, 1897, P. L. 286, 15601, 15602.

PHILIPPINE ISLANDS

Administrative Code, 1917, Vol. 2, Art. IX, p. 8.

Sec. 32 (a1917). Standard weights and measures in Philippine Islands.—The weights and measures to be used throughout the Philippine Islands are those of the metric system, with the following units:

(*a*) The unit of length is the standard meter, being the one ten-millionth part of the distance from the Equator to the pole.

(*b*) The unit of area is either the square meter or an area of one hundred square meters known as the are.

(*c*) The unit of cubical contents or capacity is either the cubic meter or the one-thousandth part thereof known as the liter.

(*d*) The unit of weight is the gram.

The length of the standard meter shall be determined for the Philippine Islands by the length at the temperature of zero degrees centigrade of the fundamental standard measure numbered seventy-one, now preserved in the bureau of science and certified to by the International Bureau of Weights and Measures.

The weight of the standard gram shall be determined for the Philippine Islands by the weight at Manila of one-millionth of a cubic meter of pure water at the temperature of four degrees centigrade, or the one-thousandth part of the standard kilogram certified to by the International Bureau of Weights and Measures, designated by the symbol "L" and now preserved in the bureau of science.

Sec. 33. Requirement as to use of metric system.—The metric system of weights and measures, with its recognized scales, shall be used in all contracts, deeds, and other instruments publicly and officially attested, and in all official documents; and, except as hereinbelow provided, only weights and measures of the metric system shall be officially sealed and licensed.

In the purchase and sale of manufactured lumber the English system of measures may be employed; and in ordering commodities or articles from abroad such weights and measures may be employed as are commonly used in the country to which the order is sent or from which the goods are shipped.

Administrative Code, 1917, Vol. 2, ch. IX, p. 399.

Sec. 1521 (a1917). Sealing and licensing of weights and measures.—The duties incident to the official inspection of weights and measures, and the sealing and licensing of the same for use, shall be performed under the supervision of the bureau of internal revenue.

Sec. 1522. Fees for sealing linear metric measures.—Fees for sealing linear measures of the metric system shall be as follows:

(*a*) Measures not over one and one-half meters, ten centavos.

(*b*) Measures over one and one-half meters, twenty centavos.

Sec. 1523. Fees for sealing English linear measures.—Fees for sealing linear measures of the English system, allowable only when such measures are to be used in measuring manufactured lumber, shall be as follows:

(*a*) Measures not over one yard, ten centavos.

(*b*) Measures over one yard, twenty centavos.

Sec. 1524. Fees for sealing metric measures of capacity.—Fees for sealing metric measures of capacity shall be as follows:

(*a*) For a measure not over ten liters, twenty centavos.

(*b*) For a measure over ten liters, thirty centavos.

Sec. 1525. Fees for sealing metric measures of capacity.—Fees for sealing instruments for determining weight graduated solely in the metric system shall be as follows:

(*a*) Those having a capacity of over three thousand kilograms, three pesos.

(*b*) Those having a capacity of not over three thousand but over three hundred kilograms, one peso and twenty centavos.

(*c*) Those having a capacity of not over three hundred but more than thirty kilograms, sixty centavos.

(*d*) Those with a capacity not greater than thirty kilograms, thirty centavos.

For an apothecary balance or other balance of precision the charge shall be doubled.

With each scale or balance a complete set of weights for use therewith shall be sealed free of charge. For each extra weight the charge shall be five centavos.

Sec. 1526. Form and duration of license for use of weights and measures.—The receipt for the fee charged for the sealing of weights and measures shall serve as a license to use such instrument for one year from the date of sealing, unless deterioration or damage occurs in that period which renders the weight or measure inaccurate. Such receipt shall be preserved by the owner and shall be exhibited on demand of any internal-revenue officer.

Sec. 1527. Secondary standards preserved by provincial treasurers; testing of same.—For use in the testing of weights and measures in the Provinces, provincial treasurers shall keep full sets of secondary standards in the provincial buildings. The collector of internal revenue shall be responsible for the inspection and proper testing of all provincial and municipal standards of weight and measure.

Sec. 1528. Comparison of secondary and fundamental standards.—The comparison of the secondary and fundamental standards shall be made in the bureau of science at the instance of the collector of internal revenue. When found to be sufficiently accurate the secondary standard shall be distinguished by a label, tag, or seal and shall be accompanied by a certificate showing the amount of its variation from the fundamental standard. If the variation is of sufficient magnitude to impair the utility of the instrument, it shall be destroyed in the bureau of science.

Sec. 1529. Inspectors of weights and measures.—Internal-revenue agents shall inspect and test balances or scales, weights and measures, and report upon the condition thereof in the territory assigned to them. It shall be their duty to collect evidence of infringements of the law or of fraud in the use of weights and measures or of neglect

of duty on the part of any officer engaged in sealing weights and measures. Evidence so collected by them shall be presented forthwith to the collector of internal revenue and also to the proper prosecuting officer.

Sec. 1530. Sealers of weights and measures.—The sealing and licensing of weights and measures shall be the duty of the provincial treasurers and their deputies, and for the purposes of this law such officers shall be termed sealers of weights and measures.

Sec. 1531. Destruction of defective instrument of weight or measure.—Any defective instrument of weight or measure may be destroyed by any inspector or sealer of weights and measures if its defect is such that it can not readily and securely be repaired.

Sec. 1532. Testing of instruments used in Government work.—All measures and instruments for determining weight used in the Government work or maintained for public use by any Province or municipality shall be tested and sealed free of charge.

Sec. 1533. Dealer's permit to keep unsealed weights and measures.—Upon obtaining written permission from the collector of internal revenue any dealer may keep instruments of weight and measure in stock for sale without sealing, until sold or used.

Administrative Code, 1917, Vol. 2, ch. 19, Art. III, p. 143.

Sec. 485. Disposition of fees for sealing weights and measures.—The proceeds of fees for the sealing and licensing of weights and measures shall accrue equally to the Province and municipality wherein collected.

Administrative Code, 1917, Vol. 2, Art. XII, p. 749.

Sec. 2732 (a1917). Fraudulent practices relative to weights and measures.—Any person other than an official sealer of weights and measures who places an official tag or seal upon any instrument of weight or measure, or attaches it thereto, and any person who fraudulently imitates any mark, stamp, brand, tag, or other characteristic sign used to indicate that weights and measures mentioned therein have been officially sealed; or who alters in any way the certificate given by the sealer as an acknowledgment that the weights and measures mentioned therein have been duly sealed, or who makes or knowingly sells or uses any false or counterfeit stamp, tag, certificate, or license, or any die for printing or making stamps, tags, certificates, or licenses, which is an imitation of or purports to be a lawful stamp, tag, certificate, or license of the kind required by the provisions of the internal revenue law, or who alters the written or printed figures or letters on any stamp, tag, certificate, or license used or issued or who has in his possession any such false, counterfeit, restored or altered stamp, tag, certificate, or license for the purpose of use or reuse of the same in the payment of fees or charges imposed in the internal revenue law, or who procures the commission of any such offense by another, shall for each such offense be fined not less than two hundred pesos nor more than ten thousand pesos and shall be imprisoned for not less than one month nor more than five years, in the discretion of the court.

Sec. 2733. Unlawful possession or use of instrument not sealed within twelve months.—Any person making a practice of buying or selling

goods by weight or measure, or of furnishing services the value of which is estimated by weight or measure, who has in his possession without permit any scale, balance, weight, or measure which has not been officially sealed within twelve months, and any person who uses in any purchase or sale or in estimating the value of any service furnished any such instrument that has not been officially sealed within the same period shall be punished by a fine not exceeding five hundred pesos or by imprisonment for not exceeding one year, or by both, in the discretion of the court; but if such scale, balance, weight, or measure so used has been officially sealed at some previous time and the seal and tag officially affixed thereto remain intact and in the same position and condition in which they were placed by the official sealer, and the instrument is found not to have been altered or rendered inaccurate but still to be sufficiently accurate to warrant its being sealed without repairs or alteration such instrument shall, if presented for sealing promptly on demand of any authorized sealer or inspector of weights and measures, be sealed, and the owner, possessor, or user of same shall be subject to no penalty except a surcharge equal to five times the regular fee fixed by law for the sealing of an instrument of its class, this surcharge to be collected and accounted for by the same official and in the same manner as the regular fees for sealing such instruments.

Sec. 2734. Alteration or fraudulent use of instrument of weight or measure.—Any person who with fraudulent intent alters any scale or balance, weight, or measure after it is officially sealed, or who knowingly uses any false scale or balance, weight or measure, whether sealed or not, shall be punished by a fine of not less than two hundred pesos nor more than four thousand pesos or by imprisonment for not less than three months nor more than two years, or both.

Any person who fraudulently gives short weight or measure in the making of a sale, or who fraudulently takes excessive weight or measure in the making of a purchase, or who, assuming to determine truly the weight or measure of any article bought or sold by weight or measure, fraudulently misrepresents the weight or measure thereof, shall be punished by a fine of not less than fifty pesos nor more than two thousand pesos or by imprisonment for not less than three months nor more than two years, or both.

Sec. 2735. Payment of informers.—Any person, except an internal-revenue agent or officer or other public official engaged in sealing or inspecting weights and measures who voluntarily gives information leading to the arrest and conviction of anyone violating the provisions of the internal revenue law relative to weights and measures shall be rewarded in the sum of twenty pesos or in the sum of one hundred pesos if the person convicted is a public officer or employee concerned with the sealing or inspecting of weights and measures. The informer shall be ascertained and stated in the judgment of the court and the reward paid shall be a charge against the funds of the province in which the arrest and conviction is had and the municipality concerned, in the proportion in which the weights and measures fees accrue to each, but to prevent delay in payment the province shall initially pay the entire amount and subsequently secure reimbursement of the municipality's share.

Administrative Code, 1917, Vol. 2, Art. XVII, p. 292.

Sec. 1116 (a1917). When article deemed to be misbranded.—* * * For the purposes hereof an article shall also be deemed to be misbranded: * * *

(*b*) In the case of food: * * *

Thirdly. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count; but reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by proper regulations.

Administrative Code, 1917, Vol. 2, Art. VIII, p. 397.

Sec. 1509 (a1917). Measuring of forest products and collection of charges thereon.—The duties incident to the measuring of forest products and the collection of the charges thereon shall be discharged by the bureau of internal revenue, under the regulations of said bureau.

Employees of the bureau of forestry may be deputized by the collector of internal revenue for the performance of duties incident to the measuring and invoicing of forest products when the director of forestry deems such course advisable for the protection of the forest revenues and is willing to supply the services of such employees at the expense of the bureau of forestry.

Sec. 1510. Mode of measuring timber.—Except as hereinbelow provided, all timber shall be measured and manifested in the round or squared, before being sawn or manufactured. The volume of all round timber shall be ascertained by multiplying the area of the small end by the length of the log, the diameter of the log to be measured exclusive of the bark; but if the end of a log is irregular, the average diameter shall be used, and in order to ascertain the volume of a log more than eight meters long, the diameter of the middle of said log, or the average of the diameters at both ends thereof shall be used as basis. If a log in the round, cut under license, is measured and manifested by forest officers, the director of forestry shall make due allowance for rot, cavities, or other natural defects; but from any decision of the director of forestry in this respect, an appeal shall lie to his department head, whose decision shall be final. The manifest of timber cut by licensees operating sawmills in or near the forest shall be attested by forest officers whenever practicable.

Licensees with sawmills may measure their timber or cause or allow the same to be measured after it is sawn, provided they pay for each thousand board feet of lumber of the first and second groups a sum of not less than ten pesos, and of the other groups of not less than five pesos, as forestry charges, in the discretion of the director of forestry and after agreement with the same, with the approval of his department head. These agreements shall be for one year, but shall be subject to renewal.

The volume of squared timber shall be ascertained by multiplying the average of the cross section measured by the length, to which twenty-five per centum shall be added for loss in squaring. The privilege of manifesting timber after squaring shall, however, be granted only to licensees who have squared their logs in the forest with the ax and intend to take it to the market in this form.

PORTO RICO

Laws, 1913–14, Act. 135, p. 100.

Sec. 1, as amended by Laws, 1919, Act. 4, p. 104. Metric system and imperial system; contracts, how construed.—That the metric system of weights and measures, and the imperial system customarily used in the United States in so far as the same are described by this act, are hereby recognized and established in Porto Rico for use in all industrial and commercial transactions as hereinafter defined in section 16 of this act, and except as hereinafter expressly authorized; and it shall be unlawful in any of said transactions to use any other systems, or to use any units of weight or measure not recognized and established as a part of the said systems: *Provided, however*, That no contract or agreement, entered into prior to the approval of this act, which contains a description of or reference to weights or measures not authorized by this act, shall be vitiated by reason of such an unauthorized description or reference.

Sec. 2. Units of measure.—In the metric system the standard meter is the unit of measure of length and surface from which all other measures of extension, whether lineal, superficial or solid, are derived and ascertained. The meter is divided into ten equal parts called decimeters, into one hundred equal parts called centimeters, and into one thousand equal parts called millimeters. The dekameter contains ten meters, the hectometer one hundred meters, the kilometer one thousand meters, and the myriameter ten thousand meters.

Sec. 3. Liter is unit for liquids.—In the metric system the standard liter is the unit of measure for liquids from which all other measures of liquids are derived and ascertained, and is equal to one cubic decimeter. The liter is divided into ten equal parts called deciliters, into one hundred equal parts called centiliters, and into one thousand equal parts called milliliters. The dekaliter contains ten liters, the hectoliter one hundred liters, and the kiloliter one thousand liters.

Sec. 4, as amended by Laws, 1913–14, Act No. 3, p. 134. Cubic meter is unit for cubic measure; hectare for land measure.—In the metric system the unit of cubic measure or volume is the standard cubic meter, this being a cube whose edges are each one meter in length. The cubic meter contains one thousand cubic decimeters, the cubic decimeter one thousand cubic centimeters, and the cubic centimeter one thousand cubic millimeters.

The hectare for land measure contains ten thousand square meters; the are contains one hundred square meters and the centare one square meter. In land measurements and records the measurement by cuerda customarily used in Porto Rico, which shall be equivalent to 3,930.395625 square meters, may also be used. All land measurements shall be based upon horizontal extension.

Sec. 5. Gram is unit of weight.—In the metric system the standard gram is the unit or standard of weight from which all other weights are derived and ascertained and is equal to the weight in a vacuum

of one cubic centimeter of pure water at its maximum density. The gram is divided into ten equal parts called decigrams, into one hundred equal parts called centigrams, and into one thousand equal parts called milligrams. The dekagram contains ten grams, the hectogram one hundred grams, the kilogram one thousand grams, the myriagram ten thousand grams, the quintal one hundred thousand grams and the millier or tonneau one million grams.

Sec. 6. Yard is unit of length in imperial system.—In the imperial system the standard yard is the unit of measure of length and surface from which all other measures of extension, whether lineal, superficial or solid, are derived and ascertained. The yard contains 0.914402 meters. The yard is divided into three equal parts called feet, and each foot into twelve equal parts called inches.

Sec. 7, as amended by Laws, 1917, Act No. 37, p. 204. Gallon is standard of capacity in American system.—In the American system the standard gallon is the unit of standard measure of capacity for liquids from which all other measures of liquids are derived and ascertained. The gallon is equal to 3.78543 liters. The American gallon is divided into four equal parts called quarts, each quart into two equal parts called pints, and each pint into four equal parts called gills.

Sec. 8. Pound is unit of weight in imperial system.—In the imperial system the unit or standard of weight, from which all other weights are derived and ascertained, is the imperial pound, equal to 0.45359 kilograms. The imperial pound is divided into sixteen equal parts called ounces; the hundredweight consists of one hundred pounds, the short ton of twenty hundred pounds, and the gross or long ton of 2,240 pounds.

Sec. 9. Official standards; set to be furnished each municipal district.—A full set of said weights and measures shall be kept in the office of the secretary of Porto Rico as the official standards, and said official shall furnish such test sets thereof as may be required for the enforcement of this act to the alcalde and to each district chief or other police officer in command in each municipal district of the island to be kept in their custody.

Sec. 10. Secretary to enforce act; and to prescribe rules and regulations; testing and sending of apparatus; may be condemned and seized, when.—That the secretary of Porto Rico shall be charged with the duty of supervising the enforcement of this act. He shall prescribe rules and regulations not inconsistent therewith, providing for the periodical inspection, examination, testing and regulating, and sealing, marking or approving when correct of all weights and measures, scales, beams, steelyards, or other instruments, apparatus or appliances, used or adapted for use in ascertaining weight or measure in any industrial or commercial transaction, and for the performance of such other duties as may, in his judgment, be required for the enforcement of this act; and in accordance with such rules and regulations all alcaldes, or their authorized agents, prior to the first day of January, 1914, shall examine, test, regulate or cause to be examined, tested, or regulated, and when correct shall seal, mark, or approve or shall cause to be sealed, marked, or approved, all such weights or measures, scales, beams, steelyards, or other instru-

ments, apparatus, or appliances used, or adapted for use in ascertaining weight or measure in any industrial or commercial transaction, within their respective municipal districts. In the event of any alcalde failing to comply with the duty hereinbefore specified, or failing to cause the same to be complied with, said duty shall be performed under the direction of the secretary of Porto Rico prior to February 1, 1914. If, after the first day of February, 1914, any weight or measure, scale, beam, steelyard, or other instrument, apparatus or appliance, used or adapted for use in ascertaining weight or measure in any industrial or commercial transaction has not been sealed, marked, or otherwise approved as required by this act and the regulations prescribed thereunder, or does not conform to the standards herein prescribed, any alcalde, police officer, or other duly authorized person to whose attention such delinquency shall come shall forthwith seize the same and shall file complaint in a court of competent jurisdiction against the owner, or user thereof and against all other persons guilty of any violation of this act in connection therewith. The seized article or articles shall be held as evidence and in the event of a conviction of the owner or user thereof or of any other person guilty of any violation of this act in connection therewith, the same shall be forfeited to the people of Porto Rico and shall be disposed of as directed by the secretary of Porto Rico. Any weight, measure, scale, beam, steelyard, or other instrument, apparatus, or appliance used, or adapted for use, in ascertaining weight or measure in any industrial or commercial transaction, which shall at any time be found to register or indicate or show a false or short weight or measure, shall be seized and disposed of in the same manner.

Sec. 11. Duty of alcalde regarding testing and sealing.—That after February 1, 1914, upon the request of any person owning or using any weight, measure, scale, beam, steelyard, or other instrument, apparatus or appliance used, or adapted for use, in ascertaining weight or measure in any industrial or commercial transaction, the alcalde of the municipal district in which the same is located, shall examine, test, regulate, and when correct seal, mark or approve the same in accordance with the regulations prescribed under this act, or cause the same to be done; and if any alcalde fails to perform this duty within fifteen days after the receipt of any such request, said duty shall be performed under the direction of the secretary of Porto Rico upon application filed with him.

Sec. 12. Use of unsealed apparatus prohibited.—That from and after the first day of February, 1914, no weight, measure, scale, beam, steelyard, or other instrument, apparatus or appliance for ascertaining weight or measure, shall be used in any industrial or commercial transaction until the same has been inspected, tested and sealed, or otherwise marked as provided in this act: *Provided*, That if the marking or sealing of any such instrument, apparatus, or appliance is not practicable or would be injurious or destructive thereto, such marking or sealing may be omitted and the approval thereof indicated in such manner as shall be prescribed by the regulations provided for in this act.

Sec. 13. Apparatus to be exhibited, when.—It shall be the duty of every person, when called upon, to exhibit to any authorized person

all weights, measures, scales, beams, balances, steelyards or other instruments, apparatus or appliances used or intended to be used or adapted for use in ascertaining weight or measure in any industrial or commercial transaction, and to permit the said person to examine, test, regulate, and seal or mark the same.

Sec. 14. Apparatus not conforming to standards, prohibited.—No person shall use, cause or permit to be used, any weight or measure, scale, beam, balance, steelyard, or other instrument, apparatus or appliance in ascertaining weight or measure in any industrial or commercial transaction, which does not conform to the standard weights and measures prescribed by this act, and no person shall use, cause or permit to be used in any industrial or commercial transaction, any scale, beam, steelyard, or other instrument, apparatus or appliance for ascertaining weight or measure which registers, shows or indicates a false weight or measure.

Sec. 15, as amended by Laws, 1917, Act No. 37, p. 204. Using or giving of false weight or measure prohibited.—No person shall give or permit to be given any false or short weight or measure in the purchase, sale or transfer of any goods, wares or merchandise, and no person shall use, or permit to be used, any false weight or measure, in any industrial or commercial transaction as a basis for compensation in the purchase, sale, transfer or transportation of any goods, wares or merchandise.

Sec. 16, as amended by Laws, 1919, Act. 4, p. 104. Transactions involving weights or measure, how conducted; proviso.—All transactions involving the purchase, sale, transfer or transportation of any property or of any goods, wares or merchandise, or the purchase or sale of any work, task or service the value of which is computed by the use of measures of weight or any other measure except that of time, shall be conducted in accordance with the weights and measures authorized by this act: *Provided*, That the purchase and sale of such goods, wares and merchandise, as are usually or customarily sold or dealt in by the article, piece or number, shall not constitute a violation of this act, nor the use of the measure known as "cuerda" when the same is employed in agricultural job work.

Sec. 17, as amended by Laws, 1914, Act No. 7, p. 137. Net weight to be marked; variations or tolerances.—That from and after the first day of February, 1914, all goods, wares, or merchandise in boxes, packages, bundles, or containers which shall be the object of industrial or commercial transactions, shall have the net weight or quantity thereof contained in said boxes, packages, bundles, or containers plainly marked upon the outside of such boxes, packages, bundles, or containers, and it shall be unlawful to keep for the purpose of sale, offer or expose for sale or sell any such goods, wares or merchandise which are not so marked. Each sale of any such goods, wares or merchandise not so marked shall be deemed to be a separate and distinct offense: *Provided, however*, That any such goods, wares or merchandise not marked as required above, which at the time of passage of this act, are in Porto Rico, in the stock of manufacturers of, or dealers in, such goods, wares, or merchandise, or are already shipped and on the way to Porto Rico, may be kept for the purpose of sale, offered or exposed for sale or sold until September 1, 1914: *And provided further*, That the manner of marking of boxes,

packages, bundles or containers, and that reasonable variations or tolerances on boxes, packages, bundles or containers and also exemptions as to small boxes, packages, bundles or containers, may be established by rules and regulations prescribed by the secretary of Porto Rico.

Sec. 18. Stamping of false weights or measure prohibited.—No person shall mark or stamp, or permit or cause to be marked or stamped, any false or short weight or measure, or any false tare upon any box, package, bundle or container in which goods, wares or merchandise are packed or sold, or intended to be sold or offered for sale.

Sec. 19. Altering or using changed weight or measure prohibited.—No person shall change or alter, or permit to be changed or altered, or use or permit to be used after the same has been changed or altered, any weight, measure, scale, beam, steelyard or other instrument, apparatus or appliance for weighing or measuring, after the same has been officially examined, tested and regulated and sealed, marked or approved as provided by this act or the regulations prescribed in accordance therewith.

Sec. 20. Violation; penalty.—Any person violating any of the foregoing provisions of this act or of the rules and regulations prescribed in pursuance thereof and any person who as employer or as an officer, director, stockholder or agent of any corporation, or as a member of any firm or partnership or otherwise shall direct, order, permit, or consent to any infraction of the foregoing provisions of this act, or of the said rules and regulations, shall be deemed guilty of a misdemeanor, and upon conviction thereof, by a court of competent jurisdiction, shall be punished for the first offense, by a maximum fine of fifty dollars or by imprisonment not to exceed fifty days and for the second offense by a fine of not less than fifty dollars nor more than two hundred and fifty dollars, or by imprisonment for a term not to exceed ninety days, and for subsequent offenses by a fine of not less than two hundred dollars nor more than five hundred dollars and by imprisonment for not more than one year.

Sec. 21. Sealing or approving apparatus not conforming to standards.—Any person charged with the enforcement of this act or the regulations thereunder prescribed or responsible therefor who shall mark, seal or approve as conforming to the standards established by this act any weight or measure, scale, beam, steelyard, or other instrument, apparatus or appliance used or adapted for use in ascertaining weight or measure in any industrial or commercial transaction which does not so conform, or who shall mark, seal, or otherwise approve as accurate any weight or measure, scale, beam, steelyard or other instrument, apparatus or appliance used or adapted for use in ascertaining weight or measure in any industrial or commercial transaction which indicates, shows, or registers a false weight or measure, or who, having knowledge of or information as to the ownership or use of, or other responsibility for any such instrument, apparatus, or appliance, fails to seize the same if within his power to do so, or fails to file appropriate charges in the proper court or with the fiscal of the district in which the offense occurs, shall be deemed guilty of a misdemeanor and upon conviction thereof in a court of competent jurisdiction, shall be punished by a fine of not less than two hundred and fifty dollars nor more than one thousand dollars

and by imprisonment for not less than six months nor more than three years.

Sec. 22. Previous violations may be submitted in evidence, when.—Upon the trial of any person for the violation of any provision of this act or of any regulation duly prescribed thereunder, previous and other violations of said act or such regulations may be proved and received in evidence.

Sec. 23. Appropriation.—That there is hereby appropriated, out of any funds in the insular treasury not otherwise appropriated, the sum of fifteen thousand dollars, or such part thereof as may be necessary, to be expended under the direction of the secretary of Porto Rico to carry out the provisions of this act and the regulations prescribed thereunder.

Laws, 1917, Act No. 13, p. 128.

Sec. 1. Standard loaf of bread.—That a loaf of bread weighing one pound avoirdupois or 453 grams, shall be the standard loaf of bread in Porto Rico.

Sec. 2. Other size loaves, how labeled; variations or tolerances, how established.—That any loaf of bread sold or offered for sale in Porto Rico, weighing more or weighing less than the standard loaf of one pound or 453 grams, shall be labeled in plain and intelligible English or Spanish words and figures with its correct weight and the name of its manufacturer: *Provided*, That the chief of the bureau of weights and measures shall establish reasonable variations or tolerances, as to weight of the loaves appearing on the labels thereof.

Sec. 3. Net weight label to show price of standard loaf, when.—That whenever a loaf of bread is sold or offered for sale, weighing more or weighing less than one pound or 453 grams, the net-weight label of said loaf shall also indicate the price of the standard loaf followed by the words "per pound," and the price of said loaf shall be the same proportional part of the price of the standard loaf as the weight of the loaf in question is of the weight of the standard loaf marked on the label: *Provided*, That the price per loaf shall not include any fractional part of one cent.

Sec. 4. Penalty.—That any person, firm or corporation who by himself or by his servant or agent violates any of the foregoing provisions of this act, shall be guilty of a misdemeanor and shall be subject to the same penalties as provided for in the weights and measures act in force in Porto Rico.

Laws, 1912, Act No. 36, p. 70.

Sec. 1. Paint, defined.—That the term "paint" within the meaning of this act shall include all materials which are designated for application to the surface of wood, metal, concrete, cement or plaster to produce an ornamental or protective coating.

Sec. 2. Containers of paint to be marked with weight or measure.—Each container of paint that shall be sold or exposed or offered for sale in Porto Rico shall show on the outside thereof the name and address of the manufacturer or distributor thereof or of the party for whom it is manufactured and shall show, in the case of paint in paste or semipaste form, the net weight in pounds or fraction thereof, and in the case of liquid paint, the net measure of

the contents in gallons or parts thereof; and no paint shall be labeled, branded, marked or advertised in such manner as to deceive or tend to deceive any person as to its nature or composition.

Sec. 3. Violation; penalty.—Any person, firm or corporation who shall knowingly violate the provisions of this act, shall be liable to a fine of from one to fifty dollars for the first offense and of from fifty to one hundred dollars for each subsequent violation.

Laws, 1919, Act 60, p. 328.

Sec. 1. Units of electric measure.—That the legal units of electric measure as defined and established by the statutes of the United States are the only units of electric measure recognized as legal in Porto Rico.

Sec. 2. Unit measure for gas.—That the standard of unit of measure for the sale of illuminating or heating gas by meter shall be the cubic foot, containing sixty-two and three hundred and twenty-one thousandths pounds, avoirdupois weight, of distilled or rain water, weighed in air, of the temperature of sixty-two degrees Fahrenheit, the barometer registering a pressure of twenty-nine and one-half inches.

Sec. 3. Water, gas, and electric meters to be furnished by corporation; meters to be tested, when.—That every company, corporation, association or individual furnishing gas, electricity or water for public consumption on the basis of measure shall provide the consumer with a meter, free of cost to the said consumer, and shall not put in use any meter unless it has been previously tested and found correct by the bureau of weights and measures, in which office a complete register shall be kept of the origial and subsequent tests made of each meter. If so desired, the company or person furnishing gas, electric current or water may appoint a representative to attend the test, for which purpose notice in writing shall be given by the bureau of weights and measures as to the day and hour on which said test is to be made.

Where the apparatus is found correct, the bureau of weights and measures shall seal the same and no person shall remove or break the said seal without the authorization of the said bureau.

Sec. 4. Meters in use, to be tested by bureau.—Meters in actual use shall be tested and sealed by the bureau of weights and measures as the needs of the service may permit, and such tests may be also attended by a representative of the company or person furnishing gas, electric current or water: *Provided*, That after this first test the bureau of weights and measures shall from time to time order other tests.

Sec. 5. Meters in use may be tested on petition.—On written petition of a consumer the bureau of weights and measures may inspect and test any gas, electric or water meter which has been installed or put in service, where it is shown that the said meter has registered, without apparent cause therefor, an excess of twenty-five per cent or more over the normal monthly expense represented by the average for the last six months.

Sec. 6. Inspection service, how organized.—That the executive secretary of Porto Rico is hereby authorized to organize, under the jurisdicetion of the bureau of weights and measures, the inspection service required by this act. He shall prescribe and promulgate such

rules and regulations as in his judgment may be necessary for the execution of this act. And he shall also establish reasonable specifications to which said instruments shall conform to secure the accuracy of all meters and appliances for measurement.

Sec. 7. Officials to be appointed.—That there shall be appointed by the executive secretary of Porto Rico one chief inspector of gas, electric and water meters, at an annual salary of two thousand dollars, and two assistant inspectors at an annual salary of fourteen hundred dollars each, who shall have charge of and be responsible for the technical part of the service, under the direction of the chief of the bureau of weights and measures. No person shall be eligible to this position unless he holds a diploma of electrician from a recognized school of electricity, or otherwise establishes the necessary competency of his technical knowledge. The executive secretary shall also appoint a clerk-stenographer at an annual salary of one thousand dollars, who shall have charge of the office work of this service.

Sec. 8. Violation; penalty.—That any person, firm, company or corporation which by itself or by its servant or agent violates the foregoing provisions of this act, or of the rules and regulations prescribed in pursuance thereof, shall be guilty of a misdemeanor, and upon conviction by a court of competent jurisdiction shall be fined not less than twenty nor more than one hundred dollars for each violation.

Sec. 9. Salaries and expenses.—That for the purpose of the payment of the salaries of the inspectors and of the clerk-stenographer, and for the purchase of the necessary apparatus and laboratory equipment, as well for traveling expenses and per diems of the inspectors, and for the transportation of equipment, apparatus, etc., and for any other expenses in connection with this service, a sufficient appropriation shall be made in the regular budget for each fiscal year.

Penal Code, 1911.

Sec. 5928 (a1908). Fraudulently increasing weight or measure; penalty.—* * * Every person who in putting up in any bale, bag, box, barrel or other package any sugar, tobacco, coffee, rice, or other goods, usually sold in bales, bags, boxes, barrels or other packages, by weight or otherwise, puts in or conceals therein any extraneous substance whatever for the purpose of fraudulently increasing the weight or measurement of such bale, bag, box, barrel or other package with intent thereby to sell the goods therein, or to enable another to sell the same, for more than the actual weight or measurement of such goods, is punishable by fine not less than twenty-five dollars for such offense, or confined in jail for not less than thirty days or by both fine and imprisonment in the discretion of the court.

Laws, 1923, Act No. 37, p. 246.

Sec. 2. Feeds for domestic animals; weights to be marked.—Every person, manufacturer, importer, warehouseman, or person handling concentrated feeds for domestic animals in Porto Rico, before selling or offering for sale in Porto Rico any concentrated feed for domestic animals, shall stamp or affix to each container the distinctive brand of the product therein contained, the weight of the package, the name and address of the manufacturer, * * *

RHODE ISLAND

Gen. Laws, 1923, ch. 221, p. 862.

Sec. 1 (1893). Standard of weights, measures, and balances established.—The weights, measures and balances received from the United States, and now in the custody of the State sealer, and such new weights, measures and balances as shall be received from the United States as standard weights, measures and balances in addition thereto or in renewal thereof, shall be the authorized standards by which all town standards of weights and measures shall be tried, proved and sealed.

Sec. 2 (a1901). State sealer of weights, measures, and balances.—There shall be a State sealer of weights, measures, and balances, who shall be sworn to the faithful performance of his duty. At the January session of the general assembly in the year A. D. 1926, and in each fifth year thereafter, the governor, with the advice and consent of the senate, shall appoint some person to succeed the person then holding such office; and the person so appointed shall hold his office until the first day of February in the fifth year after his appointment. Any vacancy which may occur in said office when the senate is not in session shall be filled by the governor until the next session thereof, when he shall, with the advice and consent of the senate, appoint some person to fill such vacancy for the remainder of the term.

Sec. 3 (1893). Duties of the State sealer.—The State sealer shall have the exclusive custody and control of the standards so received by the State from the United States, which standards shall be kept in a suitable fire proof place to be provided by the State. He shall have the oversight of all the standards furnished by the State to the various towns and cities, and shall keep a complete list of the same and shall see that they are kept in good order and repair. He shall also keep the standards belonging to the State, furnished by the United States, in perfect order, and shall keep a complete list of the same, and shall take a receipt for the same from his successor in office. His office shall be kept open at least two specified days in each week. He shall try, prove and seal all town standards of weights, measures and balances brought to him for that purpose, the compensation for which is hereinafter provided.

Sec. 4. Set of standards for towns, when and how furnished; towns and cities to be furnished standards.—The State sealer shall furnish a set of standards of weights, measures and balances, at such cost as he he may deem proper, to each city or town that in his judgment shall not have a suitable set, the same to be paid for by the State on the order of the State auditor on the general treasurer, the said set to consist as follows: one even balance of the capacity not less than one hundred pounds; one brass yard-gauge; five iron dry measures, one each of the following capacities: one-half bushel, one peck,

one-half peck, two quarts, and one quart; six iron wine measures, one each of the following capacities: one gallon, one-half gallon, one quart, one pint, one-half pint, and one gill; five iron ring weights, avoirdupois standard, one each as follows: fifty pounds, twenty-five pounds, twenty pounds, ten pounds, and five pounds; ten brass weights, avoirdupois standard, one each as follows: four pounds, two pounds, one pound, eight ounces, four ounces, one ounce, one-half ounce, one-quarter ounce, one-eighth ounce, one-sixteenth ounce; together with a suitable case or cabinet to contain the same. He shall also furnish each town and city, at the expense of the said town or city, a portable even-balance scale, with a set of weights and measures, to be used by the said town or city sealers in the discharge of their duties as hereinafter provided.

Sec. 5. Inspection by the State sealer; record and report thereof.—The State sealer may, in the discharge of his duties, inspect the weights, measures and balances of any person or persons, which are used for selling any goods, wares, merchandise or other commodities, or for public weighing in any town or city in this State, and if he finds the same to be inaccurate he shall forthwith inform the mayor of the city or the president of the town council, as the case may be, and such mayor or president shall at once call the attention of the town or city sealer thereto. The State sealer shall keep a record in detail of the towns and cities visited by him in the performance of his duties; of the weights, measures and balances tested and sealed by him; and he shall annually, during the first week in December, make a report to the governor of his doings for the year.

Sec. 6. Town sealer to send inventory annually to State sealer.—The sealers of the different towns and cities shall make an inventory of weights, measures and balances furnished by the State and the condition of the same, on a blank prepared for that purpose, in the month of October of each year, and shall forward the same to the State sealer of weights and measures.

Sec. 7. Deputy town sealers.—The different town councils of the several towns, and the boards of aldermen of cities, may appoint, upon recommendation of their respective town or city sealers, one or more persons as deputy sealers of their town or city, who shall assist the said town or city sealer and, in the absence from duty of such town or city sealer, shall perform all the duties of town or city sealer as may be required of them for the time being.

Sec. 8. Town sealer to take charge of the weights, measures, and balances furnished by the State.—Every town or city sealer shall, at the expense of his town or city, provide therein a suitable place for the safe keeping and preservation of the weights, measures and balances furnished by the State, which shall be used only as standards, and shall not be taken from the office. He shall have the care and oversight thereof; shall see that they are kept in good order and repair; and if any portion of them are lost, damaged, or destroyed, shall, at the expense of the town or city, replace the same by similar weights, measures or balances. He shall procure, at the expense of his town or city, a suitable set of sealing-stamps for stamping dry and wine measures, with the date of the year thereon, and, for coal and wood baskets, a branding-iron, with letters not less than one-half inch high and the date of the year thereon.

Sec. 9. Penalty for neglect.—Every town or city sealer who neglects to provide a suitable place for keeping such weights, measures and balances, or suffers any of them through his neglect to be lost, damaged or destroyed, shall be fined the sum of not less than twenty nor more than fifty dollars.

Sec. 10. Town standards are to be adjusted triennially by the State sealer.—Every town or city sealer shall, once at least in every three years, have the standard weights, measures and balances in his custody tried, adjusted and sealed by the State sealer, who shall receive as compensation therefor the sum of fifteen dollars, which sum, together with the necessary expenses incurred by him in so performing such service, shall be paid by the town or city to which such set of standards belongs.

Sec. 11. Town sealer to advertise annual sealing of weights, etc., used in trade; annual sealing.—Every town or city sealer shall annually, at the expense of his town or city, advertise or post up notifications in public places in different parts of his town or city, for every person engaged in the trade of buying and selling, or as a public weigher, who uses weights and measures, to bring in within a certain time, in each notification limited, being not less than one month from the date of such notification, his weights, measures, balances and scales to be adjusted and sealed, and he shall forthwith adjust and seal all weights and measures brought to him for that purpose.

Sec. 12 (a1899). Sealer to seal weights, measures, scales, and balances.—After the expiration of the time limited in the notification which is required to be given in the preceding section, the sealer of weights and measures in every town or city shall visit the places of business, and enter upon the carts, wagons, and other vehicles then in use for business, of all the persons engaged in the trade of buying and selling or of selling, who have weights, measures or balances which have not been sealed during the current calendar year, and try, adjust, and seal the same. He shall go at least once in every six months to every hay-scale, coal-scale, wagon-scale, railroad-track-scale, or platform scale or balance used in the trade of buying and selling or of selling or for public weighing, in his town or city, which is not brought to him under the provisions of the preceding section, and try, adjust, and seal the same.

Sec. 13 (1893). Penalty of town sealer for neglect of duty.—For every neglect of duty prescribed in the next preceding section the town or city sealer shall be fined a sum not exceeding twenty dollars; and every town or city sealer who shall seal any weight, measure or balance otherwise than according to the town or city standard, duly tried, proved and sealed by the State sealer, shall be fined not exceeding fifty dollars nor less than twenty-five dollars.

Sec. 14 (a1896). Fees of town and city sealers; penalty; salary.—The sealer of weights and measures, in any town or city, shall receive a fee of three cents for every weight, wine or dry measure, sealed by him at his office; he shall receive a fee of five cents for every yard-stick or yard-measure sealed by him; and for sealing every spring-balance of a capacity less than one hundred pounds he shall receive a fee of twenty-five cents; for every spring-balance of a capacity of one hundred and less than five hundred pounds, fifty cents; for every platform-scale of a capacity of five thousand

pounds or more, one dollar; for every balance of a capacity of less than five thousand pounds, fifty cents; for every steelyard of a capacity of fifty pounds or less, twenty-five cents; and for every steelyard of a capacity over fifty pounds, fifty cents; every scale or balance used for weighing people shall be tested, and if found correct shall be sealed, by the said sealer, and he shall receive a fee of fifty cents for each and every scale or balance so sealed. If any of the said scales or balances are found to be incorrect, then they shall be condemned and their use forbidden as hereinbefore provided. For proving and sealing coal and wood baskets he shall receive a fee of fifteen cents each, and for every charcoal-basket so sealed, twenty cents; he shall also have a reasonable compensation for all repairs, alterations, and adjustments which it may be necessary for him to make, made by him, and for the expenses incurred in visting any place, as provided for in section twelve of this chapter. Such fees and compensation shall be paid to said sealer by the person owning or using the weights, measures or balances so adjusted and sealed. Every person violating the provisions of this section shall be fined not exceeding twenty dollars for each offense, one-half thereof to go to the town or city and one-half to the complainant. All said fees received by any sealer of weights and measures of any town or city shall be retained by him as compensation for his services except as hereinafter provided. Any town or city council may at any time by ordinance fix an annual salary for the sealer of weights and measures of such town or city, and in such case said fees received by him shall be paid over by him to the town or city treasurer, at the time or times prescribed by any ordinance of such town or city.

Sec. 15 (1893). Unlawful weights, etc., are prohibited and may be seized; duty of sealers.—No person engaged in the trade of buying and selling shall have or permit to be kept at his place of business or upon any cart, wagon or other vehicle used by him in carrying on his business, any weight, measure or balance of whatever description which is not at the time duly sealed in accordance with this chapter, or which, having been sealed, is no longer correct. If such weights, measures or balances can be readily adjusted by such means as the sealer has at hand, he may adjust and seal them; but if they cannot be readily adjusted, he shall either seize such weights, measures and balances forthwith and destroy them, or shall affix to the same a notice forbidding their use until he is satisfied that they have been so adjusted as to conform to the standards; and whoever removes said notice without the consent of the officer affixing the same, shall for each offense be fined not less than twenty nor more than fifty dollars, one-half to the town or city and one-half to the use of the complainant.

Sec. 16 (a1902). Penalty for use of weights not sealed, and for altering weights, etc., after same have been sealed; penalties.—Every person engaged in the trade of buying and selling, or of selling, or as a public weigher, who shall use or permit to be used for him, or have in his possession at his place of business, or upon any cart, wagon, or other vehicle which is used by him in carrying on his business, or upon his person while engaged in his business, any weight, measure, balance, or scale of whatever description, unless such weight, measure, balance, or scale shall have been duly sealed in conformity

with the provisions of this chapter, and every such person who alters any weight, measure, balance, or scale after it has been duly sealed, so that it does not conform to the United States standard, or has in his possession any such weight, measure, balance or scale, which has been so altered, and every such person who shall use or permit to be used for him, or have in his possession, as aforesaid, any weight, measure, balance, or scale which he has refused to allow to be examined or sealed by the sealer of weights and measures, or deputy sealer, according to the provisions of this chapter, or who shall use or permit to be used for him, or have in his possession any spring-balance having a sliding or adjustable face-plate or index, or any measure not made of the shape or dimensions required by law, shall be fined the sum of twenty dollars for each offense, one-half thereof to the use of the town or city in which the offense shall have been committed, and one-half thereof to the complainant.

Sec. 17 (1912). Penalty for fraudulent sale by weight or measure.—Whoever, himself or by his servant or agent or as the servant or agent of another person, is guilty of giving false or insufficent weight or measure shall for a first offense be punished by a fine of not more than fifty dollars, for a second offense by a fine of not more than two hundred dollars, and for a subsequent offense by a fine of fifty dollars and by imprisonment for not less than thirty nor more than ninety days.

Sec. 18. Hay scales and platform balances.—Every person who shall keep hay-scales or platform-balances for public use shall cause the same to be tried and sealed at least once in six months by a sworn sealer of weights and measures.

Sec. 19. Penalty for using same if not sealed.—Every person who shall keep hay-scales or platform-balances for public use, or shall weigh or suffer to be weighed in such scales or balances any article of merchandise, unless such scales or balances shall have been tried and sealed as provided in the preceding section, shall be fined one hundred dollars.

Sec. 20. Who to seal same, if the office of sealer is vacant.—Whenever the owner or keeper of such hay-scales or balances shall apply to the mayor of the city or president of the town council, as the case may be, or to any person by him appointed for the purpose in any town or city in which the office of sealer of weights and measures shall from any cause be vacant, to try such scales or balances, and to seal the same if found correct, such mayor, president or persons so appointed shall try such scales or balances and seal the same if found correct; and in case of his neglect so to do, such owner or keeper shall be exempt from the fine prescribed in the next preceding section.

Sec. 21 (a1899). Weighers of coal and other merchandise, how appointed; their duties.—The town councils of the several towns and the boards of aldermen of any city shall appoint one or more persons to be weighers of coal and other articles of merchandise, who shall be sworn and be removable at the pleasure of the town council or board of aldermen appointing them, and shall receive such fees as may be fixed by the town council or board of aldermen of the several towns or cities, which shall be paid by the seller: *Provided*, That no person shall act as a public weigher of coal or other mer-

chandise of which he is either the buyer or seller, or in the sale whereof he has any interest.

Sec. 22. Penalty for selling of coal or other merchandise unweighed, when.—Every person who shall sell coal or other merchandise without its being first weighed by a weigher provided for in section twenty-one of this chapter, when the same shall be demanded by the purchaser, and procuring a certificate of such weight for the purchaser, shall be fined twenty dollars for each offence.

Sec. 25 (a1900). Legal weight of certain commodities; weight of bushel; barrel; net ton; gross ton.—The legal weights of certain commodities in the State of Rhode Island shall be as follows: A bushel of [1]—

	Pounds		Pounds
Apples	48	Malt	38
Apples, dried	25	Millet seed	50
Apple seed	40	Oats	32
Barley	48	Onions	50
Beans	60	Parsnips	50
Beans, castor	46	Peaches	48
Beets	50	Peaches, dried	33
Bran	20	Peas	60
Buckwheat	48	Peas, split	60
Carrots	50	Potatoes	60
Charcoal	20	Potatoes, sweet	54
Clover seed	60	Rye	56
Coal	80	Rye meal	50
Coke	40	Salt, fine	50
Corn, shelled	56	Salt, coarse	70
Corn, in the ear	70	Timothy seed	45
Corn meal	50	Shorts	20
Cottonseed, upland	30	Tomatoes	56
Cottonseed, sea-island	44	Turnips	50
Flaxseed	56	Wheat	60
Hemp	44	A barrel of flour shall contain	196
Hungarian seed	50	A ton of coal, net	2, 000
Lime	70	A ton of coal, gross	2, 240

Sec. 26 (1899). Sealers shall be ex-officio constables; may arrest without warrant.—The State sealer of weights and measures and the city and town sealers of weights and measures in the various cities and towns throughout the State, shall be, by virtue of their respective offices, special constables, and as such they shall have power to prosecute all persons violating the provisions of this chapter, and shall not be required in such prosecutions to furnish any surety for costs. They shall also have power to arrest upon view without warrant and to detain for a period of not more than twelve hours any person found violating any of the provisions of this chapter.

Sec. 27 (1916). Legal bushel box for farm products.—A box which shall measure on the inside thereof seventeen and one-half inches by seventeen and one-half inches in length and width, and which on the inside thereof shall measure seven and one-sixteenth inches in depth, measured from the highest part of the bottom thereof, is hereby declared to be a legal bushel box for the sale of farm produce. A box which shall measure on the inside thereof thirteen by thirteen inches in length and width and which on the inside thereof shall measure

[1] In the original act the words "a bushel of" appeared before the name of each article; the words "shall weigh" appeared after the name of the article, and the word "pounds" appeared immediately after the figures of weight in each case. The arrangement adopted here is for convenience in printing.

six and one-sixteenth inches in depth, measured from the highest part of the bottom thereof, is hereby declared to be a legal half-bushel box for the sale of farm produce. All bushel boxes of the dimensions specified by this section shall be marked in letters not less than one inch in height with the words "Standard bushel for farm produce." All half-bushel boxes of the dimensions specified by this section shall be marked in letters not less than one inch in height with the words "Standard half-bushel for farm produce."

Sec. 28 (1922). Gasoline-measuring devices to be tested; town or city sealer may condemn measuring device until tried and sealed or properly equipped; fee for testing.—The State sealer of weights, measures, and balances is hereby authorized and directed to have tested all gasoline-measuring devices used in the sale of gasoline, from time to time as in his judgment it may be deemed necessary, to prevent fraud or deception in the use of such devices or to insure the accurate measurement of gasoline in such sale. Any town or city sealer of weights, measures, and balances shall have authority to condemn and forbid the use of any gasoline-measuring device for the sale of gasoline in his respective town or city, or until such device has been duly tried and sealed, or until such gasoline-measuring device has been equipped with such attachment, contrivance or apparatus as will insure the correct and proper functioning of such measuring device for the sale of said gasoline by accurate measurement. For the testing and sealing of a gasoline-measuring device a fee of fifty cents shall be paid.

Sec. 29. Five-gallon measure, properly tested, to be kept for use at each garage or gasoline station; measure to be used upon request.—Any person, firm or corporation selling or vending gasoline from a gasoline station, so called, or from a garage, shall keep for use at such gasoline station or garage a five-gallon measure which has been properly tested and sealed by the sealer of weights, measures, and balances of the town or city in which the gasoline station or garage is located. Upon the request of any purchaser of gasoline, the person selling such gasoline shall, in the presence of the purchaser, use such gasoline measure in the sale of such gasoline.

Sec. 30. Five-gallon measure, properly tested, to be used when seal of gasoline measuring device is broken.—Whenever it becomes necessary in the repairing of any gasoline measuring device to break the seal of said gasoline measuring device, it shall be the duty of every person, firm or corporation selling or vending gasoline at a gasoline station or garage to use a five-gallon measure which has been properly tested and sealed, until such time as the said gasoline measuring device shall have been repaired and properly tested and sealed by the sealer of weights, measures, and balances of the town or city in which the gasoline station or garage is located.

Sec. 31. State sealer to furnish a five-gallon measure to each town or city sealer; measure to be used exclusively for testing and sealing.—The State sealer of weights, measures, and balances shall furnish to the sealer of weights, measures, and balances of each town and city one five-gallon liquid measure, to be paid for by the respective town or city. Each measure before being used for the purpose described in this and the two preceding sections shall be tested and sealed by the State sealer of weights, measures, and balances to have a capacity

of five gallons liquid measure according to the United States standard. Such measure after being so tested and sealed shall be used exclusively for the purpose of testing and sealing all measuring devices used in the sale of gasoline.

Sec. 32. Penalty for use of gasoline-measuring device when untested and unsealed, etc.—Every person who shall use or cause to be used any gasoline measuring device without first having the same tested and sealed by the town or city sealer of weights, measures, and balances wherein the said gasoline measuring device is located, and every person who shall use or cause to be used any gasoline measuring device after the same has been condemned by any town or city sealer of weights, measures, and balances and before the same has been again tested and sealed shall be deemed guilty of a misdemeanor and shall be fined not exceeding fifty dollars for each offense.

Public Laws, 1923, ch. 2368, p. 181.

Sec. 1. Coal or coke, how to be sold; ton.—All coal or coke shall be sold by weight and except when sold by the cargo or carload, two thousand pounds avoirdupois shall be the standard for the ton. Coal and coke in quantities of less than one hundred pounds per unit shall be sold in bags, baskets or other vessels or receptacles; said bags, baskets, vessels or receptacles shall be plainly marked in solid letters, at least one inch in height, stating thereon the weight of coal or coke therein contained, the name of the dealer putting up the same, together with the size and kind; that is, in the case of coal, whether anthracite or bituminous, and if anthracite or coke, whether egg, stove, chestnut, range, pea, buckwheat or smaller sizes, or any combination of the aforesaid sizes of anthracite, the sizes and quantities of each contained in said combination shall be stated: *Provided, however*, That coal or coke shall not be sold in bags, baskets, vessels or other receptacles in units of less than eighteen pounds. A statement signed by the seller or seller's agent setting forth the seller's name, the business address of the seller or the seller's agent, the name and address of the purchaser, the date of delivery and the kind, size and weight of said coal or coke, shall accompany the delivery of any anthracite or coke sold to consumers in the State of Rhode Island in quantities in excess of one hundred pounds and shall be given to the purchaser or purchaser's agent upon delivery of such anthracite or coke.

Sec. 2. Anthracite to be of what quality.—All anthracite sold or distributed to domestic consumers in this State shall be of the same preparation and quality as fresh mined merchantable coal, as determined by the commissioner of labor, hereinafter termed the commissioner.

Sec. 3. Commissioner of labor or his agents may inspect coal, and prohibit sale or distribution.—The commissioner by himself or by his authorized agents may enter each place where coal is stored or kept for sale and each railroad train or car or any vehicle used for its conveyance and may inspect said coal or take therefrom fair and proper samples for analysis or inspection, one-half of said sample to be retained by the owner or owner's agent. Said commissioner may cause any sample taken to be analyzed, inspected or otherwise satisfactorily tested and shall record and preserve as evidence the

results thereof. If, in the opinion of said commissioner, upon inspection, analysis or satisfactory test, said coal is not of a merchantable quality, said commissioner may prohibit the sale or distribution of such coal and cause the same to be disposed of as may be directed by him.

Sec. 4. License for sale of coal or coke to be obtained; licensee to furnish evidence of possession of facilities; wagon to be marked and license displayed.—Except as herein otherwise provided, it shall be unlawful for any person, firm or corporation to physically handle coal or coke for sale without first obtaining a license for such purpose from the commissioner. Every licensee shall furnish the commissioner with satisfactory evidence of the possession of proper facilities for weighing and distributing coal or coke. Every wagon or other vehicle used by a licensee in the sale or delivery of coal or coke shall be marked in such manner as the commissioner may require and each licensee shall display his license in a conspicuous manner at his place of business.

Sec. 5. Class of licenses.—There shall be two classes of said licenses, as follows: First class—Authorizing the licensee or his servants or agents to sell and deliver or distribute coal or coke in any quantities in any part of the State at wholesale or retail. The fee for each license of the first class shall be ten dollars. Second class—Authorizing the licensee or his servants or agents to sell and deliver or distribute coal or coke in less than one hundred pound units, at wholesale or retail, and to deliver the same in any city or town for which he is licensed. The fee for each license of the second class shall be two dollars for each city or town for which such license is issued: *Provided, however*, That any retail dealer in coal or coke put up in bags, baskets, vessels or other receptacles, upon approval of the commissioner, may sell and deliver or distribute such coal or coke in more than one city or town from one fixed place of business.

Sec. 6. Record of licenses to be kept; to be open to public inspection.—The commissioner shall keep a record of all licenses granted by him under the provisions of this act with the number of each, the name, residence, and business address of the licensee, and the cities and towns for which such licenses are issued. Such records shall be open at any time to public inspection. Each license shall bear the date of the day upon which it is issued, shall continue in force for one year from that date unless revoked by the commissioner, and may be renewed on payment of the prescribed fee.

Sec. 7. License may be suspended or revoked.—Any license issued under the provisions of this act may be suspended or revoked at any time by the superior court, after due hearing, upon complaint in such form as it may require, for using or giving false or insufficient weight, or for any other just or sufficient reason.

Sec. 8. Commissioner may make rules and regulations.—The commissioner may make such rules and regulations as may be necessary to carry out the provisions of this act, and may employ an inspector and such office assistants as may be necessary for the enforcement of this act, and all moneys received by him under the provisions of this act shall be turned over to the general treasurer for the use of the State.

Sec. 9. Penalties.—Whoever violates any provision of section four of this act, or whoever refuses or fails to comply with any request for

information desired by the commissioner for the purpose of carrying out the provisions of this act, or gives a false answer to any such request shall be punished by a fine of not more than fifty dollars; and whoever is guilty of fraud or deceit in the weighing, selling or delivering of coal or coke, or whoever wilfully, by himself or his servant, agent or employee sells or delivers or distributes coal or coke which does not comply with sections one and two of this act, shall be punished by a fine of not less than one hundred dollars or more than one thousand dollars and whoever is convicted of a second offense shall be punished by imprisonment not exceeding thirty days. The commissioner shall cause this act to be enforced and said commisioner shall not be required to enter into any recognizance or to give surety for costs in any proceedings under this act.

Sec. 10. Appeal by person aggrieved.—Any seller of coal or coke, aggrieved by any provisions of this act, may appeal therefrom to any justice of the superior court, and such appeal shall operate to stay any such provisions until final determination thereon.

Sec. 11. Invalidity of any part of this act not to affect the remainder.—If any clause, sentence, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

Sec. 13. Repeal.—Sections 23 and 24 of chapter 194 of the general laws, as amended by chapter 374 of the public laws, passed at the January session, A. D. 1909, are hereby repealed and this act shall take effect upon its passage.

Gen. Laws, 1923, ch. 168, p. 725.

Sec. 6 (a1914).—A drug or an article of food, or an article which enters into the composition of food, shall be deemed to be misbranded: * * *

That for the purposes of this chapter an article shall also be deemed to be misbranded: * * *

In the case of food: * * *

Second. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count: *Provided, however,* That reasonable variations shall be permitted and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of section 12 of this chapter.

Public Laws, 1925, ch. 683, p. 260.

Sec. 1. Superintendent of weights and measures for the city of Providence, how elected; duties, etc.—The city council of the city of Providence in convention is hereby authorized and empowered to elect a superintendent of weights and measures, who shall hold office ex officio the offices of sealer of weights and measures, inspector of kerosene, city gauger, city weigher, and surveyor of lumber. Said city council may impose upon the superintendent of weights and

measures such other and further duties not inconsistent herewith as it may deem proper. Said city council is also authorized and empowered to provide for one or more deputies in and for the offices above enumerated, assigning to and distributing among any or all of such deputies in its discretion any or all of the powers and duties vested in said officers.

Gen. Laws, 1923, ch. 50, p. 278.

Sec. 1°. Town officers to be chosen.—The electors in each town shall annually, on their town election days, choose and elect as many town officers as by the laws of the State are or shall be required; that is to say, * * * a town sealer of weights and measures, * * * one or more corders of wood, one or more packers of fish * * * one sealer of leather * * * gaugers of casks and all such other officers as by law are required in such town and as each or any town shall have occasion for, * * *

Gen. Laws, 1923, ch. 51, p. 282.

Sec. 19°. Powers of town council; assize of bread.—They make ordinances, by-laws and regulations for settling the assize of baker's bread in their respective towns, not contrary to the laws of the State: *Provided*, That the penalty for any breach of the same shall not exceed five dollars, or the forfeiture of the bread not made in conformity thereto.

Gen. Laws, 1923, ch. 394, p. 1684.

Sec. 18 (1896). Falsely assuming to be a town sealer of weights and measures.—Every person who shall falsely assume or pretend to be a town sealer of weights and measures, auctioneer, corder of wood or fence-viewer, and shall act as such, shall be fined not less than twenty dollars nor more than one hundred dollars.

Gen. Laws, 1923, ch. 222, p. 871.

Sec. 1°. Rules for gauging.—All casks which shall be gauged in this State shall be gauged by the method or rule commonly called "gauging by Gunter," computing the gallon at two hundred thirty-one cubic inches. Care shall be taken to ascertain, as near as may be practicable, the true average of the head and bung diameter, also of the internal length of the cask; its mean diameter shall be ascertained in accordance with the principles laid down in the work on the subject of gauging by Daniel Anthony, published in Providence in the year one thousand eight hundred seventeen.

Sec. 2. Fees for gauging; and casks, how branded.—The fees for gauging a single cask shall be twenty-five cents, and for gauging any number of casks not exceeding ten, ten cents each, and for any number above ten, seven cents each; the gauger who shall gauge any cask shall fairly mark with branding-irons or marking-irons on the head or bulge of each cask the initials of his name and the quantity of the gauge or capacity of such cask.

Sec. 3. Penalty for fraudulent gauging.—Every person, not holding the office of gauger, who shall put upon any cask any gauge or other permanent mark to denote the capacity of such cask, or who shall exercise the office of gauger or business of gauging, shall forfeit one hundred dollars for each offense; but nothing contained in this sec-

tion shall be so construed or held as to apply to the sale of petroleum or any of its products by weight or for exportation from the State.

Sec. 4. Penalty for selling by unofficial gauging.—Every person who shall sell any commodity by any gauge or gauge-mark, which shall not have been made by a gauger appointed under this chapter, shall forfeit the value of such commodity sold.

Sec. 5. Gaugers in Providence, how appointed.—The city council of the city of Providence may, whenever they deem it expedient, appoint for said city a gauger, who may appoint under him such deputy-gaugers as said city council may approve, and for the official conduct of such deputies he shall be answerable. Said gaugers shall be subject to such regulations as said city council may establish not repugnant to law.

Sec. 6. Sales by U. S. gaugers excepted.—Nothing in this chapter shall be so construed as to prevent the sale of any commodity under the lawful gauge or gauge-mark of the United States by the inspector of such commodity.

Gen. Laws, 1923, ch. 187, p. 788.

Sec. 15°. Weight of barrel of beef or pork.—Two hundred pounds of beef shall be considered and taken as a barrel of beef, and two hundred pounds of pork shall be considered and taken as a barrel of pork.

Gen. Laws, 1923, ch. 196, p. 808.

Sec. 1°. Weighers of cotton.—Weighers of cotton may be annually elected by the city council of the city of Providence, the representative council of the city of Newport and by the town councils of the several towns respectively.

Sec. 2. All cotton to be weighed.—All cotton sold in the State, unless otherwise specially agreed, shall be weighed by the weighers so chosen.

Sec. 3. Duties of weighers.—Such weighers shall correctly weigh and record in a book to be kept for that purpose the weight of each bale of cotton, with the marks and numbers of the bales, and shall mark upon every bale, in plain figures, the weight of the same, and shall make a certificate of each lot of cotton, which certificate shall specify the marks, numbers and weight of each bale.

Sec. 4. Fees of weighers.—Such certificate shall be given to the seller of the cotton, and the weigher shall be paid for weighing and marking the same, on the delivery of the certificate, eight cents per bale; and for every duplicate certificate of not exceeding one hundred bales, fifty cents, and fifty cents for every additional one hundred bales.

Gen. Laws, 1923, ch. 197, p. 809.

Sec. 1°. Sewing-thread, how labeled or ticketed.—Every manufacturer of sewing-thread or person engaged in putting up thread on spools or in packages intended for sale shall, before the same is offered for sale, affix to each spool or package a label or ticket designating the number of yards of thread which such spool or package contains.

Sec. 2. Penalty.—Every such person who shall purposely neglect to affix such label to each spool or package of thread or shall, with

intent to deceive, affix or cause or suffer to be affixed a label or ticket to any spool or package of thread intended for sale specifying that such spool or package contains a greater number of yards of thread than such spool or package contains, shall forfeit the sum of fifty dollars for each spool or package so without a label or falsely labeled which shall be sold or be delivered by him to any person to be sold, one-half thereof to the use of the State and one-half thereof to the use of the person who shall sue for the same.

Gen. Laws, 1923, ch. 51, p. 282.

Sec. 5°. Powers of town councils; appointment of weighers of neat cattle.—The town councils of the several towns and cities shall, annually, in the month of April, appoint—the board of aldermen of Providence, not less than six; of Newport, not less than three; and the town councils of all other towns, not less than two persons, for the purpose of weighing neat-cattle slaughtered for sale in their respective towns.

Gen. Laws, 1923, ch. 201, p. 814.

Sec. 1°. Weighable parts of neat cattle.—The following parts of all neat-cattle purchased by the hundred-weight or slaughtered by any person, such person having contracted to account for the same to the owner or seller of the same, shall be denominated "weighable"; namely, the whole of the several four quarters, the hide, horns and tallow.

Sec. 2. Penalty for not so weighing and accounting for such parts.—Every person slaughtering or weighing any neat-cattle and being obliged to account for the same to the owner or seller thereof as aforesaid, who shall not weigh and account for all those parts of such cattle denominated weighable as aforesaid, shall forfeit for every offense twenty dollars.

Sec. 3. Town weighers.—The town weighers of neat-cattle shall weigh all parts of such cattle made weighable by section one of this chapter, deducting therefrom for green weight not more than two pounds for every hundred pounds of the weight thereof.

Sec. 4. Fees of weigher.—The fees of such weigher shall be twenty-five cents per head for all cattle weighed, one-half part of which shall be paid by the seller and one-half part thereof by the buyer.

Gen. Laws, 1923, ch. 202, p. 814.

Sec. 1°. Butter tubs to be branded with weight, etc.—Every person who shall make or bring into the State any butter firkins or tubs shall brand or mark each one of the same with the weight thereof and with the initial letters of his name, in a plain and durable manner, before he offers the same for sale.

Sec. 2. Sale without brand prohibited.—No person shall offer for sale any butter by the firkin or tub unless each firkin and tub shall be branded or marked as aforesaid.

Sec. 3. Penalty.—Every person who shall offer for sale any butter firkin or tub before the same shall be marked or branded as required in section one of this chapter, or any butter by the firkin or tub, in any firkin or tub not marked or branded as aforesaid, or in any firkin or tub which shall weigh more than the mark or brand on it, allowing two pounds additional for the brine absorbed by the same,

shall forfeit five dollars, unless there shall be a special contract in relation to the kind, quantity and quality of the article sold.

Sec. 6. Weight of a bushel of potatoes.—In the sale of potatoes by weight, the same shall be estimated at and after the rate of sixty pounds per bushel.

Sec. 7. Weight of a bushel of onions and root crops.—In the sale of onions and of all other root-crops by weight, the same shall be estimated at and after the rate of fifty pounds per bushel.

Sec. 8. Nuts, shelled beans, and berries to be sold by dry measure; penalty.—Nuts and shelled beans and all kinds of berries, whenever sold by measure shall be sold by dry measure. And any person who shall sell any nuts or shelled beans or any kind of berries by any measure other than dry measure shall be fined not exceeding twenty dollars, one-half thereof to the use of the town or city in which the offense shall have been committed and one-half thereof to the complainant.

Sec. 10 (1916).—It shall be the duty of the board of food and drug commissioners to prosecute any person, firm or corporation violating any of the provisions of this chapter, and any such commissioner making such complaint shall not be required to give surety for the payment of costs.

Gen. Laws, 1923, ch. 203, p. 817.

Sec. 1 (a1915). Milk to be sold by standard wine measure; purchaser may have recourse to town sealer, when; State sealer may license manufacturer to seal receptacles, when; receptacles, how to be sealed; license may be revoked; such sealing not to authorize use as legal measures; tolerance on glass bottles and jars.—All milk, cream, and skimmed milk shall be sold only by standard wine measure, and by or in measures, cans, jars, bottles, or other vessels or receptacles which shall, prior to being used in such sale, be sealed by the manufacturer thereof as hereinafter provided, or by the sealer of weights and measures of the town where the person so using the same shall usually reside in this State, or of the town where such milk shall be sold for use; and every person selling any of the same contrary to this section or delivering any of the same sold contrary hereto, shall be fined for the first offense not less than twenty dollars and not exceeding fifty dollars, and for any subsequent offense not less than fifty dollars, or imprisonment not to exceed sixty days or both such fine and imprisonment. Any purchaser of milk, cream, or skimmed milk, having reason to believe that any measure, can, jar, bottle, or other vessel or receptacle in which milk, cream, or skimmed milk is sold and delivered to him is not of sufficient size or capacity to contain, by standard wine measure, the amount thereof purchased, may apply to the sealer of weights and measures of the town in which such milk, cream or skimmed milk is delivered to him, which sealer shall, upon receipt of a fee of twenty-five cents therefor, test the capacity of the same and issue to such purchaser his certificate stating the capacity thereof; and if such capacity according to such certificate shall be less than the amount purchased such purchaser may make complaint and deliver such certificate to any officer of such town authorized to make complaints for the violation of this chapter, who thereupon shall duly make complaint against and prosecute the person or persons selling or delivering the same, for violation

of this section. Upon the application of a manufacturer of a can, jar, bottle or other vessel or receptacle to be used in the sale of milk, cream or skimmed milk, the State sealer of weights, measures and balances may issue a license to such manufacturer to seal any such can, jar, bottle, or other vessel or receptacle for use in this State. All such cans, jars, bottles, or other vessels or receptacles shall be sealed by the manufacturer thereof in such manner and in accordance with such regulations as the State sealer of weights, measures and balances may prescribe and shall be marked with the name, initials, or trade-mark of the manufacturer, and by any other mark which the State sealer of weights, measures and balances may require. The State sealer of weights, measures and balances may revoke any such license at any time after giving the manufacturer holding such license ten days' notice of the proposed revocation. The sealing of any such can, jar, bottle, or other vessel or receptacle by a manufacturer shall not authorize the use of the same as legal measures nor shall any such sealing be held to affect the provisions of law relating to the giving of false measure, or the using of a false measure, or the having in possession a false measure with intent to use the same: *Provided, however*, That the wine measure as defined in this section shall permit a variation of one-half an ounce in the contents of glass bottles or jars.

Gen. Laws, 1923, ch. 206, p. 831.

Sec. 1°. Dimensions of a cord of firewood.—All firewood offered for sale by the cord shall measure in quantity equal to a cord of eight feet in length, four feet in width and four feet in height, including one-half of the kerf and be well stowed and closely laid together.

Sec. 2. Fees of corders of wood.—Every person chosen by a town to be a corder of wood shall receive for cording and measuring not exceeding twelve cents per cord, to be paid by the purchaser of such wood.

Sec. 3. Penalty for fraud in sale of firewood.—Every person who shall sell any firewood by the cord in any quantity not well stowed and closely laid together, or who shall fraudulently and falsely represent any quantity of firewood by him offered for sale to be a greater quantity, or who shall sell the same for a greater quantity, than it shall actually measure, or who shall otherwise commit any fraud in the sale thereof, shall be fined twenty dollars.

Sec. 4. Charcoal baskets.—Every basket used in measuring charcoal brought into any town for sale shall be of the following dimensions to wit, nineteen inches in breadth in every part thereof, and seventeen and one-half inches deep, measuring from the highest part of the bottom of the basket perpendicularly to a level with the top of the basket.

Sec. 5. Baskets to be sealed; and well heaped.—Every basket shall be sealed by the sealer of weights and measures of the town where the person so using the same shall usually reside, or of the town where such coal shall be so measured for sale, and shall also be well heaped.

Sec. 6. Penalty for sale by unlawful baskets.—Every person who shall measure charcoal offered for sale in any basket of other dimensions than as aforesaid, or not sealed as aforesaid, shall be fined twenty dollars.

Sec. 7. Unlawful baskets to be seized, and users to be prosecuted.—The town councils of the several towns may appoint, as occasion may require, some suitable person or persons to seize and secure, within their respective towns, all baskets used for measuring coal that shall not be of the dimensions aforesaid, and sealed as aforesaid, and to prosecute every person who shall be guilty of any violation of any of the provisions of this chapter; but no person shall be obliged to measure charcoal, where the quantity shall be agreed on by the buyer and seller.

Sec. 8. Dimensions of a basket for sale of kindlings; baskets to be heaped; cord defined.—All short-wood or kindling-wood sold by the basket shall be sold and delivered in baskets of the following dimensions, to wit: Twenty-one inches in diameter at the top under the hoop, thirteen inches in depth, measured from the highest part of the bottom thereof, and seventeen inches in diameter at the bottom. Such baskets in selling shall be well heaped; and shall be sealed by the sealer of weights and measures of the town or city where the person so using the same shall reside, or of the town or city where such firewood shall be offered for sale. Forty-eight baskets of said dimensions shall constitute one cord of sawed wood.

Sec. 9. Penalty for sale by unlawful baskets.—Every person who shall sell or deliver any short-wood or kindling-wood in any basket not sealed, or of other dimensions than as provided in the preceding section, shall be fined twenty dollars.

Sec. 10. Unsealed baskets to be seized and unlawful use of prosecuted.—The town or city sealers of the several cities and towns, and such persons as the town councils of the several towns may appoint, shall seize and secure all baskets used for measuring coal, short-wood, or kindling-wood, that shall not be sealed, or shall not be of the dimensions provided by law, and prosecute every person who shall be guilty of any violation of the provisions of the laws defining the size of such baskets.

Sec. 11. Penalty for sealing an unlawful basket.—Every sealer of weights and measures who shall seal any basket not being of the lawful dimensions, shall be fined twenty dollars.

Gen. Laws, 1923, ch. 209, p. 835.

Sec. 1°. Pressed hay or straw to be weighed and marked before delivery, how.—Before any hay or straw pressed into bundles shall be delivered to any purchaser within the State the same shall be weighed by some town weigher and the tare for wood and other bindings about the said bundles, as nearly as the same can be ascertained without unbinding the same, shall be deducted therefrom, and the gross weight of such bundle with the tare ascertained as aforesaid and the said weight of the hay or straw therein shall, in legible figures with the initials of the weigher, be marked upon some board or wood attached to each bundle of hay or straw.

Sec. 2. Penalty for fraud in making up bundles of hay or straw.—Every person who shall put into or conceal in any bundle of hay or straw any wet or damaged hay or other material or hay of an inferior quality to that which plainly appears upon the outside of such bundle or who knowingly offers for sale or sells any bundle of hay as merchantable in which there is concealed any such wet, dam-

aged or inferior hay or other material shall be deemed guilty of a misdemeanor.

Sec. 3. Penalty for violations of this chapter.—Every person violating any of the provisions of this chapter shall be fined twenty dollars and forfeit one hundred dollars, one-half thereof to the use of the town and one-half thereof to the use of the person who shall sue for the same. But nothing herein contained shall be so construed as to apply to the sale of hay and straw sold by the producer thereof for consumption and not to be resold, nor to prevent the purchase of commodities by a standard weight expressly agreed on by the parties.

Gen. Laws, 1923, ch. 195, p. 806.

Sec. 1°. Measurers, how to be elected.—The towns of Bristol, Warren, Warwick, West Warwick, East Greenwich and North Kingstown shall, and any other towns may, at any annual meeting for the choice of town officers, elect in each of said towns respectively not exceeding two persons to be measurers of grain and salt. The city councils of the several cities, at the time of the election of city officers, shall respectively elect at least two such measurers for said cities.

Sec. 2. Measurers may appoint deputies and employ assistants.—Such measurers may appoint as many deputy measurers and employ as many assistants as they may deem expedient, who shall be engaged to the faithful performance of their duties.

Sec. 3. Duties of measurers.—The measurers shall measure or cause to be measured in their presence, and shall certify the measure, of all corn, rye, oats, barley and other grain and salt imported into such town from without the limits of the State, which shall be sold and delivered from any vessel or water-craft or any railroad-car in said town, in any quantity exceeding twenty-five bushels at one sale, to one person or company.

Sec. 4. Weight of bushel of Indian corn and rye, Indian meal and rye meal.—In the sale of Indian corn and rye the same shall be estimated at the rate of fifty-six pounds to the bushel, barley at the rate of forty-eight pounds to the bushel, and oats at the rate of thirty-two pounds to the bushel. In the sale of Indian meal or rye meal by weight, the same shall be estimated at the rate of fifty pounds to the bushel. Every person who shall sell a less number of pounds for a bushel shall be fined ten dollars.

Sec. 5. Compensation of the measurers.—The measurers shall receive as compensation, for every bushel of grain or salt aforesaid by them measured and certified, where the same shall exceed one hundred and fifty bushels, one-half of one cent per bushel, and for any quantity less than one hundred and fifty bushels, one cent per bushel, to be paid by the vendor upon the tender of the certificate of the measurers, the vendor charging one-half of the same to the purchaser, unless otherwise by them agreed; but no measurer shall be entitled to receive more than one-half of one cent per bushel for measuring whenever the quantity shall exceed one hundred and fifty bushels, delivered from the same vessel or any car.

Sec. 6. Duties and fees in case of dispute.—The measurers or their deputies shall measure and certify as aforesaid in all cases of sale and delivery of said articles in the towns where they are appointed, in quantity aforesaid, from any store or other places of selling in said towns, whenever a dispute shall arise between the seller and pur-

chaser, if called on for that purpose by either party, for which duty they shall receive the same compensation, and payable in like manner, as hereinbefore provided.

Sec. 7. Penalty for the sale of grain or salt without measurement and certificate.—Every person who shall sell and deliver from any vessel, water-craft or railroad-car in said towns any such grain or salt in a quantity exceeding twenty-five bushels, at one sale and delivery, without having the same duly measured and certified as aforesaid by one of the said measurers, or shall refuse to permit a measurer or deputy to measure such articles when sold from any water-craft or railroad-car, shall forfeit fifty dollars for each offense, one-half thereof to the use of the person who shall sue for the same and one-half thereof to the use of the town where the offense shall be committed.

Sec. 8. Penalty on measurer for neglect of duty.—Every measurer or deputy measurer who shall, after being duly requested to perform any of the duties prescribed by this chapter and after tender of his fees therefor, refuse or neglect so to do, shall forfeit ten dollars for each offense, one-half thereof to the person who shall sue therefor and one-half thereof to the use of the town where such neglect occurred.

Sec. 9. Sales regulated by contract for measure or weight.—Nothing in this chapter shall be so construed as to apply to or affect the sale, delivery or measuring of any of the articles aforesaid, in the sale whereof it shall have been contracted by the seller and purchaser that the same shall be sold and delivered at custom-house measure, the same being measured under the inspection of a custom-house inspector, or to the sale of grain where the contract is that it shall be delivered by weight.

Gen. Laws, 1923, ch. 192, p. 803.

Sec. 1°. Hogshead-hoops.—All hoops made or brought into any town in the State and offered for sale as hogshead-hoops shall be at least one-half thereof eleven feet and a half in length, and the other half not less than ten feet in length; and all those offered for barrel-hoops shall hold out one with another at least seven feet and a half in length, and be of such size and substance as shall be sufficient for locking at the small end and be otherwise suitable for immediate working.

Sec. 2. Duties of inspectors.—Inspectors of hoops shall view all hoops that may be offered for sale in or exported from this State.

Sec. 3. Defective hoops to be condemned and sold; proceeds, disposed of in what manner.—Whenever they shall inspect any hoops so offered for sale or to be exported, and shall find that the same fall short in the length aforesaid, or are not of such size and substance as by this chapter is required, such hoops shall be condemned and sold at auction by the officer who shall inspect the same, within twenty-four hours after giving notice to the owner thereof; and one quarter part of the money arising from the sale shall be applied to the use of the town where they shall be sold, and the remainder, after paying unto the inspector of such hoops his fees, shall be returned to the owner.

Sec. 4. Hoops to be put up into bundles; if deficient, to be condemned and sold; and proceeds, how disposed of.—All hoops shall be put up

in bundles, to contain twenty-five each, and be sold by net hundreds; whenever the officer inspecting shall find any fraud in the bundles by their not containing the full number, every such bundle shall be condemned as forfeited, to be sold by the inspector in manner aforesaid; the money, after paying the inspector his fees, shall be by him lodged in the town treasury of the town where they are sold, for the use of the town.

Sec. 5. Penalty for shipping of hoops not surveyed.—Every person who shall ship for exportation out of this State any hoops which have not been duly inspected and allowed to be merchantable agreeably to this chapter, shall forfeit four dollars for every thousand hoops so shipped, to be recovered by any inspector of hoops in the town where they shall be so shipped, one-half thereof to the use of the State and one-half thereof to the use of the inspector who shall sue for the same.

Sec. 6. Fees of inspectors.—Inspectors of hoops shall receive at and after the rate of twenty-five cents for every thousand hoops they shall inspect and examine; and if the hoops shall be adjudged good and merchantable, the buyer shall pay the same.

Gen. Laws, 1923, ch. 247, p. 973.

Sec. 1. (1899). Concentrated commercial feeding-stuffs, sale of, regulated.—Every lot or parcel of any concentrated commercial feeding-stuff, as defined in section three of this chapter, used for feeding domestic animals, sold, offered or exposed for sale in this State, shall have affixed thereto, in a conspicuous place on the outside thereof, a legible and plainly printed statement stating and truly certifying the number of net pounds of feeding-stuff contained therein, the name, brand, or trade mark under which the article is sold, the name and address of the manufacturer or importer, * * *

Gen. Laws, 1923, ch. 246, p. 970.

Sec. 1 (1910). Commercial fertilizers to bear label giving net weight.—Every lot or parcel of commercial fertilizer, or material used for manurial purposes, excepting the dung of poultry and domestic animals in its usual condition, sold, offered, or exposed for sale within this State shall be accompanied by a plainly printed label stating clearly and truly the number of net pounds of fertilizer in the package, * * *

Gen. Laws, 1923, ch. 207, p. 833.

Sec. 1°. Measure of fish sold for manure; to be sealed.—Whenever fish are sold by measure for manure they shall be measured in a barrel or half-barrel, the barrel containing twenty-eight gallons and the half-barrel fourteen gallons, which shall be sealed by a sealer of weights and measures.

Sec. 2. Penalty for sealing falsely.—Every sealer of weights and measures who shall seal any barrel or half-barrel which shall contain a less quantity than prescribed in the preceding section shall be fined fifty dollars.

Sec. 3. Penalty for using unsealed measure.—Every person who shall measure any fish sold by the measure in any barrel or half-barrel not sealed according to the provisions of this chapter, shall be fined ten dollars for each offense.

Gen. Laws, 1923, ch. 190, p. 796.

Sec. 4°. Casks for pickled fish, how filled.—Every cask [of pickled fish] shall be well seasoned and bound with twelve hoops; casks for menhaden and herrings shall be of the capacity to hold twenty-eight gallons, and those for other fish of the capacity, if a barrel, to hold two hundred pounds, and if a half-barrel, one hundred pounds weight of fish; each cask shall be full and the fish shall be sound and well cured.

Sec. 7. Mackerel, first quality.—There shall be five qualities of mackerel. Mackerel of the best quality, not mutilated, measuring not less than fourteen inches from the extremity of the head to the notch or fork of the tail, free from rust, taint or damage, and that shall count not more than one hundred and fifty fish to the barrel, shall be branded on the barrel or covering containing them, BLOATERS.

Sec. 8. Second quality.—Mackerel of the best quality, not mutilated, being not less than thirteen inches, measured as aforesaid, free from rust, taint or damage, that shall count not more than two hundred fish to the barrel, shall be branded NUMBER ONE.

Sec. 9. Third quality.—Mackerel being not less than eleven inches, measured as aforesaid, free from rust, taint or damage, and that shall count not more than three hundred and fifty fish to the barrel, shall be branded NUMBER TWO.

Sec. 10. Fourth quality.—Mackerel of the next inferior quality, free from taint or damage, not less than ten inches, measured as aforesaid, that shall count not more than five hundred fish to the barrel, shall be branded NUMBER THREE.

Sec. 11. Fifth quality.—All other mackerel, free from taint or damage, shall be branded NUMBER FOUR.

Sec. 12. Mackerel are not to be sold without brand of quality.—No person or persons shall sell or offer for sale any mackerel without having stamped, upon the barrel or covering containing the same, in a plain and legible manner the quality of said fish as classified above.

Sec. 13. Fishermen excepted.—Nothing in this chapter contained shall be so construed as to prevent any fishermen or owners of fish, coming to this State from their fishing-trips, from selling or re-shipping their fish to any other of the United States without being packed into barrels or half-barrels.

Sec. 14. Penalty for sale of fish not approved and branded.—Every person who shall offer for sale in or attempt to export from the State any pickled fish which have not been approved by a sworn packer, or in casks which are not branded as aforesaid, shall be fined fifty dollars for each offense.

Sec. 15. Penalty for altering contents of a branded cask, or for imitating a brand.—Every person who shall shift any fish from any cask after the same has been branded by the packer, and shall offer to sell or export the same from this State, or shall brand any cask into which the same shall be shifted, or shall brand any cask with the branding-iron of a packer or with any iron made in imitation thereof, shall be fined not less than thirty dollars nor more than one hundred and sixty dollars for each offense.

Sec. 16. Penalty for fraud.—Every packer who shall be guilty of any fraud or neglect in packing any fish contrary to this chapter, or shall brand any cask not thoroughly examined according to the provisions thereof, shall be fined fifty dollars for each offense.

Sec. 17. Fees of packers.—The packers of fish shall be paid for opening, assorting, inspecting, weighing, pickling, packing, or repacking, heading-up, nailing, and giving a certificate, if pickled codfish or mackerel, twenty cents for every barrel and fifteen cents for every half-barrel by the owner thereof: *Provided*, That for all pickled codfish or mackerel which have been inspected in some one of the United States and which shall not in the judgment of the packer require repacking, the said owner shall pay to the packer twenty cents only for unheading, inspecting, reheading, branding, nailing and giving a certificate thereof, and for all other, except codfish and mackerel, the owner thereof shall pay the packer twenty-five cents for every cask.

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Code, 1922, Vol. 3, ch. 37, p. 1070.

Sec. 3559 (1893). Standard.—Weights and measures shall be regulated by the standard fixed by the Congress of the United States.

Sec. 3561. Clerks of court to keep; same to be purchased by the governor.—The clerk of the court of common pleas and general sessions of each county in this State shall furnish, and is required to keep in his office, the weights and measures established by law, which shall be the standards of all other weights and measures in said county, and to which any person shall have free access to test the same; and the governor of the State is authorized and required to purchase such standard weights and measures out of the fines and forfeitures incurred in their respective counties.

Acts, 1923, Act No. 39, p. 72.

Sec. 1. Standard weights per bushel and barrel.—That the following shall be the legal and uniform standard of weights and measures in this State for the sale and purchase of the following-named products of the farm, orchard or garden, and articles of merchandise, to wit:[1]

Apples, green, bushels per barrel	[2] 2½
Apples, green, pounds per bushel	50
Apples, dried, do	24
Apples, seed, do	40
Blue grass, seed, do	14
Beans, dried, do	60
Beans, green, in pods, do	30
Beans, green, in pods, bushels per barrel	2½
Beans, castor, pounds per bushel	46
Beets, do	50
Blackberries, do	48
Blackberries, dried, do	28
Bran, do	20
Broom-corn seed, do	42
Buckwheat, do	50
Barley, do	48
Beef, net, pounds per barrel	200
Cane seed, pounds per bushel	50
Carrots, do	50
Cabbage, do	50
Cherries, with stems, do	56
Cherries, without stems, do	64
Corn, shelled, do	56
Corn in ear, shucked, do	70
Corn in ear, with shucks, do	74
Corn, green, with shucks, do	100
Corn, green, with shucks, bushels per barrel	2½
Corn, matured, with shucks, bushels per barrel	5
Corn, pop, pounds per bushel	56
Corn meal, unbolted, do	48
Corn meal, bolted, do	48
Cucumbers, do	48
Chestnuts, do	50
Cement, do	80
Coke, do	40
Charcoal, do	22
Coal, stone, do	80
Canary seed, do	60
Clover seed, red and white, pounds per bushel	60
Cottonseed, do	30
Cottonseed, long staple, do	30
Cranberries, do	32
Currants, do	40
Flax seed, do	56
Flour, pounds per barrel	196
Fish, do	200
Gooseberries, pounds per bushel	48
Grapes, with stems, do	48
Grapes, without stems, do	60
Horseradish, do	50
Hickory nuts, do	50
Hair, plastering, do	8
Hominy, do	62
Hungarian seed, do	48
Hemp seed, do	44
Kaffir corn, do	56

[1] A slight change has been made in the arrangement for convenience of reference.
[2] See footnote, p. 20, relative to the Federal standard barrel.

Land plaster	pounds per bushel	100
Lime, unslacked	do	80
Lime, slacked	do	40
Liquids	gallons per barrel	42
Melon, cantaloupe	pounds per bushel	50
Melon, cantaloupe	bushels per barrel	2½
Millet, German, seed	pounds per bushel	50
Millet, Missouri	do	50
Millet, Tennessee	do	50
Orchard grass seed	do	14
Osage orange seed	do	33
Oats, seed	do	32
Onions, matured	do	56
Onions, top buttons	do	28
Onions, button sets	do	32
Parsnips	do	50
Peas, dry	do	60
Peas, green	do	30
Peas, green, in hull	bushels per barrel	2½
Peaches, matured	pounds per bushel	50
Peaches, dried	do	25
Pears, matured	do	36
Pears, dried	do	26
Plums	do	64
Pie plant	do	50
Potatoes, Irish	bushels per barrel	2½
Potatoes, Irish	pounds per bushel	60
Potatoes, sweet	pounds per bushel	50
Potatoes, sweet	bushels per barrel	2½
Peanuts	pounds per bushel	23
Pork, net	pounds per barrel	200
Quinces, matured	pounds per bushel	48
Rape seed	do	50
Raspberries	do	48
Rice, rough	do	44
Rye seed	do	56
Redtop	do	14
Rutabagas	do	60
Rye grass, Italian, seed	do	20
Rye meal	do	50
Sage	do	4
Salt	do	50
Sorghum molasses	pounds per gallon	12
Sorghum seed	pounds per bushel	50
Strawberries	do	48
Salads, turnips, kale	do	12
Salads, mustard, spinach	pounds per bushel	12
Turnips	bushels per barrel	2½
Turnips	pounds per bushel	50
Tomatoes	do	56
Timothy seed	do	45
Velvet grass seed	do	7
Walnuts	do	50
Wheat	do	60

Sec. 2. Produce to have standard weights approved by the U. S. Government.—That any article of produce from garden or farm not mentioned in section 1, shall be the same standard per bushel, or per gallon, as adopted and approved by the United States Government: *Provided further*, That all packages of the articles enumerated in section 1 of this act shall correspond in weight and measures to the standards fixed in section 1.

Sec. 3. Unlawful to buy or sell except by standards provided.—That it shall be unlawful to buy or sell any of the products of any farm, orchard or garden, or articles of merchandise mentioned in section 1, except in strict accordance with the standard weights and measures provided therein.

Sec. 4. Unlawful to dock any articles.—That it shall be unlawful to dock any of the articles mentioned in section 1, delivered in good condition and in marketable form on account of keg or barrel or other receptacle, without allowing the value of same.

Sec. 5. Unlawful to bag for sale corn meal or grits except by specified weights; contents to be marked; proviso.—It shall be unlawful for any person or persons to bag for sale, sell or offer for sale in this State any corn meal or grits, except in bags or packages containing, by standard weight, two bushels, or one bushel, or one-half bushel, or one-fourth bushel, or one-eighth bushel, respectively; each bag or package of corn meal shall have plainly printed or marked thereon whether the meal is bolted or unbolted, the amount it contains in bushels or fraction of a bushel, and the weight: *Provided*,

The provisions in this section shall not apply to the retailing of meal or grits except to consumers from bulk stock when priced and delivered by actual weight or measure.

Sec. 6. Inspection of weights and measures, etc.; powers of officials.—That it shall be the duty of the commissioner of agriculture, commerce and industries or his duly authorized representatives to inspect as often as practical all weights, scales, beams, measures of any kind, instruments or mechanical devices for weighing or measuring, and tools, appliances and accessories connected with any or all such instruments or measures used in trade in this State. The commissioner or his duly authorized representatives for the purposes above mentioned, and in the general performance of his duties, without formal warrant, may enter or go into or upon, any stand, place, building or premises or stop any vendor, peddler, junk dealer, driver or [of] coal wagon or ice wagon or the driver of any wagon containing commodities for sale or delivery and if necessary, require him to proceed to some place which the commissioner or his agents may specify for the purpose of making proper tests.

Sec. 7. Weights and measures, etc., may be condemned, seized or destroyed, when; may be kept out of use, when; commissioner may issue regulations.—The commissioner of agriculture, commerce and industries or his duly authorized representatives shall condemn and seize and may destroy incorrect weights and measures and weighing and measuring devices which in his best judgment are not susceptible of repair, but any weight, measure or weighing or measuring device which shall be found to be incorrect, but which in his best judgment are [is] susceptible of repair, he shall serve a written order upon the person or persons, firms or corporations in whose possession the inaccurate device is found forbidding the use of such device, and shall attach thereto a seal, tag or statement stating the device is condemned. Also, he shall lock the weighing or measuring device in such a manner that it can not be used. The commissioner of agriculture, commerce and industries, however, may in his discretion release the weighing or measuring device so condemned and annul the restraining order when the requirements of the provisions of this act have been complied with. The commissioner is hereby empowered and authorized to prescribe and issue such regulations as may be necessary for the proper enforcement of this act, and any person or persons who shall violate any regulation issued by the commissioner shall be guilty of a violation of this act. The owners or users of any weights or measures or weighing or measuring devices which have been marked condemned, and upon whom an order has been served forbidding the use of such weighing device as in this section provided, may neither use or dispose of the same in any way, or remove or allow to be moved any seal, tag or statement attached thereto by a representative of the department of agriculture, commerce and industries without the approval and consent of the commissioner.

Sec. 8. Possession of weights and measures which have been tampered with, prima facie evidence of violation of act, when.—Possession of any weight or measure or weighing or measuring device of any kind which appears to have been tampered with or altered in any manner whatsoever, so as to falsify any weight or measure or weighing or measuring device of any kind shall be prima facie evidence of the

fact that it was intended to be used in violation of this act: *Provided further*, That any weight or measure or weighing or measuring device found upon inspection to have been tampered with or altered in any manner so as to falsify a weight or measure shall be seized and may be destroyed by the commissioner or his agents acting under his instructions.

Sec. 9. Refusal of owners to exhibit weights and measures, etc., violation of act.—Any person, who by himself, or his employee, or as a proprietor or manager, shall refuse to exhibit any weight, measure or weighing or measuring device of any kind, or appliance or accessories connected with any or all such devices or measures which is in his possession or under his control, to the commissioner of agriculture, commerce and industries or his duly authorized representatives, for the purpose of allowing the same to be inspected and examined as in this act provided, who shall hinder or obstruct the inspector in the general performance of official duties shall be deemed a violation of this act.

Sec. 10. Net contents of packages to be marked.—Whenever any of the commodities within the provisions of section 1 of this act, or any article or merchandise of any kind whatsoever, not specified in this act are sold, or exposed for sale in packages or containers of any kind, the net quantity of the contents of the package or container shall be plainly marked, branded, or otherwise indicated on the outside or top thereof or on a label or tag attached thereto.

Sec. 11. Rules for designating quantity of contents of commodities.—The designation of the quantity of the commodity required in section 10 of this act shall be in terms of weight, measure or numerical count, subject however to the following provisions:

(*a*) The quantity of the contents so marked shall be the net amount of food or stuff or other commodity in the package or container.

(*b*) If the designation is by weight it shall be in terms of avoirdupois pounds and ounces; if the designation is in liquid measure it shall be in terms of the United States gallon of two hundred and thirty-one cubic inches and its customary subdivisions, i. e., in gallons, quarts, pints or fluid ounces.

(*c*) The quantity of solids shall be designated in terms of weight and of fluid in terms of measure, except in case of articles in respect to which there exists a definite trade custom; in such case the designation shall be in terms of weight, measure, or numerical count, in accordance with such custom.

(*d*) The quantity of the contents shall be designated in terms of weight or measure, unless the container marked by numerical count, gives accurate information as to the quantity of the food or other commodity in the package. When the designation is by numerical count it shall be in English words or Arabic numerals.

(*e*) The quantity of the contents may be stated in terms of minimum count, but in such cases the designation must approximate the actual quantity and there shall be no tolerance below the minimum.

(*f*) The quantity of viscous or semi-solid foods, or of a mixture of solids and liquids, may be stated in terms of weight and measure. When products are packed in brine or other preserving fluids, the weight or measure of such brine or fluids shall not be included in

the weight or measure of the edible or commodity indicated on the container.

The provisions of this act shall not apply—

(*a*) To any sale of any commodity within the provisions of this section when such sale is made from bulk and the quantity is weighed, measured or counted for the immediate purpose of such sale.

(*b*) To a sale of any container of an ornamental or symbolic character with which a quantity of some commodity is sold as merely incidental.

(*c*) To a sale of a commodity in any container of a net weight of two ounces or less, or of a commodity of any container of a measure two fluid ounces or less, or of a commodity of any container of a numerical count of six or less.

(*d*) To the sale of medicine when prescribed by licensed physician, veterinarian or dentist; or to medicinal or pharmaceutical preparations or mixtures or two or more medicinal substances.

Sec. 12. Discrepancy between actual and marked quantity no violation, when.—It shall not be held to be a violation of the provisions of this act when a commodity in a container is sold, or offered or exposed for sale, and there is a discrepancy between the actual quantity of the commodity in said container and the net quantity of the contents thereof indicated on the container as here prescribed: *Provided*, That the seller purchased said commodity in said container, in good faith relying upon the said indication of the net contents thereof, and sold said commodity in said container without altering the contents thereof or the indication of the contents thereof: *And provided, further*, That the exeption of this section shall not apply to any sale unless the container had the name of a packer, manufacturer, wholesaler, or jobber thereon at the time the seller purchased it.

Sec. 13. "Person" defined.—The term person used in this act shall include every person, firm, company, co-partnership, society, association and corporation.

Sec. 14. "Container" defined; proviso.—The term container used in this act is hereby defined to be any receptacle or carton into which a commodity is packed, or any wrappings with which any commodity is wrapped or put up for sale: *Provided*, That where individual packages or containers, properly labeled to comply with this act, are packed in an outside case or carton for convenience in shipping or handling, the term "container" shall not be construed to include or apply to such outside care or carton. No containers, boxes or baskets wherein food products or other commodities are packed shall have a false bottom, or be so constructed as to facilitate the perpetration of deception or fraud.

Sec. 15. Offering or exposing for sale prima facie evidence of violation.—Any person, who by himself or by his servant or agent, or as the servant or agent of another, shall offer or expose for sale, sell for use, any commodity, package, article or thing, less than the quantity he represents, then such commodity, package, article or thing shall be prima facie evidence of the fact that it was intended to be sold, or proof of such shall be deemed a violation of this act.

Sec. 16. Penalty; each instance separate offense.—Every person, who by himself or his agent, servant or employee violates or causes or permits to be violated any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than $25.00, nor more than $100.00, or shall be imprisoned in the county jail for a term not to exceed 30 days or by both such fine and imprisonment. Each and every instance shall constitute a separate offense.

Sec. 17. Standards, which are; to be kept by commissioner of agriculture; tolerances established under act to conform to those established by U. S. Government.—Such weights and measures as have been, or may hereafter be furnished this State, or such weights and measures as have been or may hereafter be approved by the Government of the United States shall be kept by the commissioner of agriculture, commerce and industries; and the said weights and measures shall be deemed and taken to be the standard weights and measures, by which all the weights and measures in this State shall be regulated: *Provided further*, That all tolerance now in effect or which may hereafter be established pursuant to the provisions of this act, shall be the same as now in effect or hereafter may be adopted or approved by the United States Government.

Code, 1922, Vol. 3, ch. 37, Art. 2, p. 1073.

Sec. 3572 (1921). Standards of containers.—After investigation, and from time to time as may be practicable and advisable, the division of markets of the extension service shall have authority to establish and promulgate standards of open and closed receptacles for, and standards for the grade and other classification of farm products, by which their quantity, quality and value may be determined, and prescribe and promulgate rules and regulations governing the marks, brands and labels which may be required for receptacles for farm products, for the purpose of showing the name and address of the producer or packer; the quantity, nature and quality of the product, or any of them, and for the purpose of preventing deception in reference thereto, and for the purpose of establishing a State brand for any farm product produced in South Carolina: *Provided*, That any standard for any farm product or receptacle therefor, or any requirement for marketing receptacles for farm products, now or hereafter established under authority of the Congress of the United States, shall forthwith, as far as applicable, be established or prescribed and promulgated as the official standard or requirement in the State: *Provided, further*, That no standard established or requirement for marketing prescribed under this article shall become effective until the expiration of thirty days after it shall have been promulgated.

Sec. 3573. Packing of farm products for sale to conform to grades, receptacles, etc.—Whenever any standard for the grade or other classification of any farm product becomes effective under this article no person thereafter shall pack for sale, offer to sell, or sell within this State any such farm product to which such standard is applicable, unless it conforms to the standard, subject to such reasonable variations therefrom as may be allowed in the rules and regula-

tions made under this article: *Provided*, That any farm product may be packed for sale, offered for sale, or sold, without conforming to the standard for grade or other classification applicable thereto, if it is especially described as not graded or plainly marked "Not graded." Whenever any standard for an open or closed receptacle for a farm product shall be made effective under this article no person shall pack for sale in and deliver in a receptacle, or sell in and deliver in a receptacle, any such farm product to which such standard is applicable, unless the receptacle conforms to the standard, subject to such variations therefrom as may be allowed in the rules and regulations made under this article: *Provided*, That the requirement as to receptacle shall not apply to produce sold or offered for sale in less than car lots. Whenever any requirement for the marketing, branding or labeling of a receptacle for a farm product becomes effective under this article, no person thereafter shall pack for sale, offer for sale, consign for sale, or sell and deliver, any such farm product in a receptacle to which such requirement is applicable, unless the receptacle be marked, branded or labeled according to such requirement, or unless such product be brought from outside the State and offered for sale, consigned for sale, or sold in the original package. The chief of the division of markets is authorized, at any time, to cause such inspections and classifications to be made and such certificates to be issued, as he may deem necessary to enforce the provisions of this article. Such inspections to be made without charge only when no request is made by grower, shipper, receiver or any other party and inspection is made for the purpose of demonstration or for enforcing the provisions of this article.

Code, 1922, Vol. 3, ch. 51, p. 1305.

Sec. 4498 (a1917). Public weighers; applies only to Chester and Florence Counties.—The municipal authorities of cities and towns of this State be, and they are hereby, empowered to require all dealers and sellers of coal, coke, unbaled hay, cattle, cotton seed, or other articles of like nature and character, sold in bulk, by weight, and sold within the limits of any city or town to have the same weighed upon the public scales within such city or town, and to impose a charge therefor of not more than ten cents for each draft, one-half to be paid by the seller, and one-half to be paid by the buyer. Said municipal authorities may enforce the provisions of this section by such fine and imprisonment as may now or hereafter be prescribed by law for the violation of the ordinance of the city or town: *Provided*, That the provisions of this section shall apply only to Chester and Florence Counties.

Sec. 4649 (1896). Coal to be weighed on the public scales.—The municipal authorities of the cities and towns of this State of not less than ten thousand inhabitants be, and they are hereby, empowered to require all dealers of coal to weigh all coal sold within the limits of such cities and towns upon the public scales of such cities and towns and to impose a charge therefor of not more than ten cents for each draft. Said municipal authorities may enforce the provisions of the foregoing paragraph by such fine and imprisonment as may be now

or hereafter prescribed by law for the violation of the ordinances of such cities or towns.

Code, 1922, Vol. 3, ch. 19, Art. 14, p. 350.

Sec. 1003 (a1910). Quantity to be stamped on packages of oysters, etc.—* * * Each package containing oysters canned in this State, or raw shucked oysters gathered in this State, clams gathered in this State, or terrapin offered for sale or transportation shall be stamped by the manufacturer by the number of ounces or quantity of oysters and the number of terrapin, and the number of bushels of clams contained therein, and the number of ounces and fractions of ounces of oysters [contained in each can shall be plainly stamped in the metal cap of each can of oysters][3] canned within the State. * * *

Sec. 1018 (1921). Containers of oysters prescribed; violation a misdemeanor.—All oysters sold in the shell in this State shall be measured in a circular tub with straight sides, straight solid bottom, holes in the bottom not more than one-half inch in diameter. The said measure shall have the following dimensions: A bushel shall measure eighteen (18) inches from inside across bottom and twenty-one (21) inches from bottom to top of chime. All measures used for buying and selling oysters shall have a grade, to be adopted by the board of fisheries or its lawful inspector. Any person violating this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten ($10.00) dollars nor more than fifty ($50.00) dollars, or imprisonment for not more than thirty (30) days. All measures found in the possession of any such person not meeting the requirements of this section shall be destroyed by said board or its lawful agents.

Code, 1922, Vol. 3, ch. 35, Art. 1, p. 979.

Sec. 3286 (1920). Fertilizer; weight of package to be marked.—Every person or corporation, before selling or offering for sale in this State any commercial fertilizer or fertilizing material, shall brand on each bag or package the brand name of the fertilizer, the weight of the package, the name and address of the manufacturer, * * *

Sec. 3297. Weight of packages; penalties for short weight.—All fertilizers or fertilizing materials sold or offered for sale for use within this State, shall be in a package of one hundred or two hundred pounds each, except as hereinafter provided (section 18):[4] *And provided, further*, That this section shall not apply to foreign imported goods in original packages. The weight of the package of fertilizers shall be ascertained at the time of the delivery to the purchaser in the presence of at least two disinterested witnesses; one chosen by the purchaser and one by the seller, and the purchaser shall, within five days thereafter, notify the seller to make good such deficiency, and upon failure of the seller to do so within twenty days thereafter, he shall pay a penalty equal to the value of the goods, which penalty shall become recoverable by the State, one-half of the penalty so recovered to be paid to the purchaser, in the case of a sale, and the

[3] The portion within the brackets was evidently omitted from the code by mistake.
[4] Sec. 18 refers to sales in bulk.

other half to be paid into the State treasury, subject to the order of the board of trustees of Clemson College: *Provided*, If any such seller shall refuse, decline or neglect to choose a witness as herein prescribed, after having been notified or requested to do so, then he, or they, shall have forfeited the right to do so, and the purchaser shall select two witnesses who shall in turn select a third, and they shall proceed to ascertain said weight.

Code, 1922, Crim. Code, Vol. 2, ch. 3, p. 46.

Sec. 175 (1875). Fraudulent packing of cotton.—Any person or persons convicted of knowingly and wilfully packing into any bag or bale of cotton any stone, wood, trash, cotton, cottonseed, water, or any matter or thing whatsoever, or causing the same to be done, with the intent and purpose of cheating or defrauding any person or persons whomsoever in the sale of such cotton, or who shall exhibit or offer for sale any bag or bale of cotton so fraudulently packed, at the time of said exhibit, or offer for sale knowing the same to be so fraudulently packed, shall, on conviction thereof, as aforesaid, be sentenced to pay a fine of not more than five hundred dollars nor less than twenty dollars, and to be imprisoned for a term of not more than six months nor less than one month.

Sec. 176 (1878). Charge of breakage on weighing cotton.—Any person who shall put and make the charge known as "breakage" upon the weighing of cotton shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than twenty-five dollars, or be imprisoned not more than thirty days, or both, in the discretion of the court.

Sec. 181 (1910). Unlawful to deduct from weight of cotton; penalty.—It shall be unlawful for any person, firm or corporation engaged in the business of buying cotton in this State, as principal or agent, to deduct any sum for bagging and ties from the weight or price of any bale of cotton, when the weight of the bagging and ties does not exceed six per cent of the gross weight of such bale of cotton. In the event that the weight of the bagging and ties exceed six per cent of the gross weight of such bale of cotton, only the excess over the said six per cent may be deducted.

For each and every violation of this section, the offender shall be guilty of a misdemeanor and shall be fined in the sum of not less than five dollars nor more than twenty-five dollars, or imprisoned not less than ten days nor more than thirty days: *Provided*, That this section shall not apply to what is known in the trade as round bales, and bales of cotton which weigh less than three hundred pounds.

Code, 1922, Vol. 3, ch. 35, Art. 2, p. 989.

Sec. 3305 (1889). Tare on cotton prohibited.—The custom of making a deduction from the actual weight of bales [of] unmanufactured cotton as an allowance for breakage or draft thereon is abolished; and all contracts made in relation to such cotton shall be deemed and taken as referring to the true and actual weight thereof without deduction; and no tare [5] shall be deducted from the weight of such bales of cotton except the actual weight of the bagging and ties used in

[5] See sec. 181 of vol. 2 of the code.

baling said cotton; and whenever it shall be agreed between the buyer and seller to deduct tare on cotton bales it shall be as follows: For bales of cotton covered with seven yards of standard cotton bagging and six iron ties, the actual tare shall be, and is hereby, fixed at sixteen pounds, and for bales of cotton covered with seven yards of standard jute bagging and six iron ties the actual tare shall be, and is hereby, fixed at twenty-four pounds; and when buyer and seller agree to sell at net weight, and when bales of cotton are covered with seven yards of standard cotton bagging and six iron ties, the actual tare shall be, and is hereby, fixed at sixteen pounds, and when bales of cotton are covered with seven yards of standard jute bagging and six iron ties, the actual tare shall be, and is hereby, fixed at twenty-four pounds.

Sec. 3314 (1899). Cotton bales weighing not less than 300 pounds made merchantable.—It shall be unlawful for any cotton buyer to refuse to accept any bale of cotton, after he has bought the same by sample thereof, weighing over three hundred pounds, provided same corresponds in quality with sample bought by.

Sec. 3317 (a1911). When public cotton weighers may be elected; provisos.—Upon the petition of fifty or more qualified electors, who are freeholders and growers of cotton in any township or parish in which there may be a cotton market, the county board of commissioners of that county shall annually elect one or more public cotton weighers for said cotton markets, whose term of office shall be for one year and until the election and qualification of his or their successors: *Provided, however*, That there shall be two public cotton weighers at Bishopville, Lee County, who shall receive ten cents per bale for weighing cotton, five cents to be paid by the buyer and five cents by the seller, and who shall give bond, with good and sufficient surety, to be approved by supervisor, in the sum of one thousand ($1,000.00) dollars each, conditioned for the faithful performance of his duty: *Provided*, That cotton weighers in the county of Greenwood shall be elected to hold office for two years, and the cotton weighers already elected in Greenwood County shall hold office for two years from their election, and until their successors are elected and qualify: *Provided*, That in the county of Sumter, no person shall be voted for or elected a cotton weigher who is related within the sixth degree by blood or marriage to one or any one of the county board of commissioners of said county: *Provided further*, That if more than one weigher be elected for the city of Sumter, then in such event one of said weighers shall be elected upon the nomination and recommendation thereto by the city council of said city.[6]

Sec. 3318 (a1919). Cotton weighers.—Before entering upon the duties of his office, each cotton weigher shall be legally sworn to discharge the duties of the position by some officer authorized to administer oaths, and shall enter into bond in the sum of three hundred dollars for the faithful performance of his duty, which bond shall be approved by the county board of commissioners and filed with

[6] There are a number of laws similar to this act, providing for the appointment or election of cotton weighers for towns, cities, townships, and counties, upon petition of twenty-five or more electors concerned who are residents of such political subdivision. These are separate acts, and on account of their local nature and great length they have been omitted from this compilation.

the clerk of the court of common pleas and general sessions for the county in which said cotton market or markets may be situated. Each weigher shall receive as compensation for his services not more than ten cents[7] for each bale weighed by him, to be fixed by the commissioners, the same to be paid in equal proportion by the seller and buyer, except in those markets where the weigher may be paid by individuals or corporations, at which markets the seller shall pay nothing.

Sec. 3319 (a1906). Duties of weigher; deputy weigher.—It shall be the duty of each weigher to provide a platform and scales with ample facilities for handling cotton with speed and at minimum cost, at which platform or platforms all cotton sold in said market or markets shall be weighed. It shall be the duty of each weigher to weigh fairly and promptly all cotton sold in said market or markets, issuing his own ticket, showing the weight of each bale or package of cotton weighed. It shall be his further duty to adjust any difference between sellers and buyers as to moisture and mixed or false packing. In case of inability from sickness or other cause, and from the first day of March to the first day of September of each year, a weigher may appoint a deputy, who shall take, before entering upon his duties, the usual oath of the office in the manner required of the weigher. The elected weigher shall be responsible on his bond for the official acts of his deputy. Each weigher or his deputy shall devote his exclusive attention to the duties of his office during the cotton marketing season. Each weigher shall test his scales once a month by the standards in the office of the clerk of court as provided by law: *Provided*, That the county board of commissioners may, for good and sufficient cause shown, remove any such public cotton weigher from his office, after first giving such weigher at least ten days' notice to show cause why he should not be removed; and shall have power to fill any vacancy occurring in the office of public cotton weigher, at the first regular meeting of the said board after such vacancy occurs: *Provided*, That nothing herein contained shall apply to sales made on plantations or at cotton mills.

Sec. 3320 (a1907). Further duties of weigher; platform of weigher.—The cotton weighers shall be required to mark and number each bale of cotton as indicated by tags of buyer, and keep the cotton of each buyer together in order to facilitate prompt shipment. No cotton shall be allowed to remain on the platform more than five days, except upon being subject to a charge of one cent per bale per day; and cotton left on platform for any time to be at the owner's risk. The platform for cotton weighers shall be furnished by the county and shall have a capacity of 5,000 bales, and the scales on said platform shall be approachable from at least two sides. The weighers, as aforesaid, shall render to the county commissioners a monthly statement of the cotton weighed, and shall pay to the county treasurer one cent per bale for all cotton weighed by them, for the use of the platform.

[7] By Acts, 1920, Act No. 469, p. 860, cotton weighers in Greenwood County "shall be paid for weighing cotton sixteen cents per bale; one-half of said amount shall be paid by the buyer and one-half by the seller."

Sec. 3322 (a1911). Exceptions.—The provisions of sections 14 [3318] and 15 [3319] shall not apply to sales made on plantations or at cotton mills, nor to the counties of Charleston, Laurens, Berkeley, Spartanburg, Aiken, Horry, Georgetown, Richland, Beaufort, Abbeville, Newberry, Oconee, nor to the town of Liberty, in Pickens County, or to Anderson Township, in Anderson County: *Provided*, That in the county of Edgefield for each cotton weigher, his term of office shall be for two years from the date of his election, and until his successor shall have qualified: *Provided further*, That in the county of Edgefield the provisions of this chapter shall apply to all cotton sold or stored in warehouses.

Sec. 3365.[8] **Public cotton platform; cotton weigher elected, when; duties; deputy; proviso.**—In every city of more than twenty thousand and less than fifty thousand inhabitants, as shown by the last preceding United States census, and within the township in which such city is situated, the purchase and sale of cotton in bales shall be regulated by the provisions of this section. The county board of commissioners shall cause to be maintained a public cotton platform adequate to hold not less than three thousand (3,000) bales of cotton, said platform to have a substantial roof, sufficient number of suitable scales, and to be located as accessibly as possible to the railroad, or railroads, and to the neighboring cotton warehouse, or warehouses and compresses, if any, for the convenient handling of cotton from said platform to freight trains and to such cotton warehouses or compresses, said platform to be open and accessible to wagons, the cost of maintenance of the same to be paid by the county board of commissioners out of funds in their hands. The said county board of commissioners shall, on or before the first day of July, 1911, and every four years thereafter, elect and commission for the term of four years one cotton weigher for such city and township: *Provided*, That said cotton weigher shall not be related within the sixth degree to any member of said board of county commissioners. * * * Said cotton weigher shall have a night watchman on duty at said platform from sunset to sunrise of every day, and shall employ one assistant for every day from September 1st to December 31st, and may have other assistants during the year. He shall frequently test the scales at said platform and keep them accurate, and shall weigh promptly and fairly all cotton offered to him and mark each bale of cotton as indicated by tag of buyer and number of each bale of cotton, and keep together all the cotton of the several buyers separate and apart from each other, so as to facilitate prompt shipment, and issue ticket showing number, mark and weight of every bale weighed by him, and adjust any differences between sellers and buyers as to moisture and mixed or false packing. Said cotton weigher shall represent neither buyer nor seller of the cotton weighed nor be interested in any purchase or sale, except in cotton from his own farm, and shall receive and charge for his services and the use of the platform, fifteen cents for each bale weighed by him, seven cents to be paid by the seller and eight cents to be paid by the buyer, and for such cotton as may remain on the platform for more than three days the said weigher shall collect an additional charge of one

[8] See footnote on p. 740.

cent per bale for every additional day, to be paid by the owner, all cotton to be at the risk of the weigher, loss by fire excepted, for the first three days, and thereafter at the risk of the owner. The said cotton weigher shall, during the cotton season, maintain a blanket insurance to cover at least fifty bales of cotton left upon the platform for sale, and shall compensate himself for the cost of such insurance by deducting the amount thereof from the charge hereinafter provided to be collected for the use of the platform by cotton remaining thereon more than three days. The public cotton weigher, herein provided for, shall appoint a deputy to serve in his place during necessary absence by sickness or otherwise, such appointment to be approved by the board of county commissioners, which deputy shall take the usual oath of office, the bond of the cotton weigher being liable for the official acts of such deputy. The public cotton weigher shall weigh, inspect and sample before sale every bale of cotton brought to said platform for sale, and no cotton shall be sold until after it has been so weighed and inspected. All cotton in bales weighed in such city or township for sale therein and purchased in such city or township at weights ascertained by weighing in such city or township (it being intended hereby not to include under the terms herein cotton bought upon weights stated in bills of lading of shipments to said city or town) shall be brought to said platform for sale, and no cotton in bales shall be sold or purchased in such city, town or township by any seller or purchaser or agent, except upon certificate that it has been weighed and inspected at such platform by the public cotton weigher or deputy: *Provided*, That the provisions of this section shall not apply to cotton sold by regular cotton dealers out of recognized cotton warehouses or cotton compresses in such city, town or township, or to cotton weighed upon plantations or at gin-houses or bought upon the faith of weights guaranteed by the sellers. * * * The county board of commissioners shall have power to remove from his office the said cotton weigher after at least three days' notice why he should not be removed, and on sufficient cause being shown, and said board shall fill any vacancy in a manner hereinabove provided for the election of a cotton weigher.

Sec. 3366. Misdemeanor to violate provisions herein.—Any and every person, for himself or as agent, and any corporation, who shall sell or buy in such city or township any cotton bale or bales contrary to the provisions of section 1 [3365] shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not exceeding fifty dollars, or imprisonment for not exceeding ten days for each offense.

Sec. 3367. Duty of sheriff and rural policemen to enforce law.—It shall be the special duty of the sheriff, and rural policeman, if any, and the magistrates' constables in the county in which such city may be situate, and of the city policemen, to be on the lookout for violations of the provisions of this article, and upon information or belief to swear out warrants and cause prosecutions for the same; and it shall likewise be the duty of the solicitor and of the city attorney to prosecute in such cases.

Sec. 3368 (1916). Public weighers for farm products permitted in certain cities.—That upon the petition of at least fifty freeholders of

any township within the State in which is located a town or city of five thousand (5,000) inhabitants or more, shall be appointed a public weigher for livestock of all descriptions and all other farm products offered for sale on the market of such town or city: *Provided*, That the said weighers shall be appointed by the governor, upon the recommendation of the town council of said town or city.

Sec. 3370. Fees for services, by whom paid; not to weigh lint cotton in bales; other weighers allowed.—That said weighers shall be entitled to charge and receive the following fees for his services: For each hog weighed by him, five cents; for each cow weighed by him, ten cents; for each sheep, goat or other like animal weighed by him, five cents; for each load of hay, ten cents, and other farm products at the same rate. One-half of all such fees to be paid by the purchaser, the other half to be paid by the seller. The provisions of the two foregoing sections are not intended to apply to lint cotton in bales: *Provided*, That nothing herein shall prevent any person or persons from accepting the weights of other weighers.

Sec. 3371. Certificates to be issued.—That such weigher shall issue to the persons for whom he makes weights a certificate of the true weight of each article so weighed by him, affixing thereto the date when made and his official signature.

Code, 1922, Vol. 3, ch. 35, Art. 5, p. 1035.

Sec. 3434 (1859). Regulations as to barrels, etc.—Every cask or barrel containing flour or meal of wheat, rye or corn brought into or manufactured in the city of Charleston for sale shall be well made, of good seasoned materials, and sufficiently hooped and nailed; and the said inspector shall cause all casks or barrels not made as aforesaid, and not in merchantable condition, but capable of being made so at a reasonable expense, to be repaired and put in merchantable condition at the expense of the owner thereof.

Sec. 3435. Quantity of flour in barrel.—Every barrel submitted for inspection as aforesaid shall contain such quantity of flour or meal as upon inspection shall be found to be of the net weight of one hundred and ninety-six pounds; and each and every half barrel shall contain such quantity as shall be of the net weight of ninety-eight pounds; and the said inspector shall cause all barrels or half barrels containing a less quantity to be made of full weight at the expense of the owners thereof.

Sec. 3446 (1880). Standard weight.—It shall be the duty of the inspector to weigh a suitable number of barrels of each lot of flour inspected, to be assured that they contain the full weight of one hundred and ninety-six (196) pounds, and no inspector shall use the brand of the Charleston Chamber of Commerce on any flour in barrels that is of less weight than one hundred and ninety-six (196) pounds to the barrel. For such inspection, weighing, and branding, the inspector shall receive two (2) cents per barrel or bag for each and every barrel or bag so inspected, weighed and branded, to be paid by the party requesting the same to be done, and the same fee on re-inspection.

Sec. 3450 (1823). City council of Charleston to regulate sale of grain.—The city council of Charleston shall have full power and authority to regulate and control the sale of grain by measurement

or weight, or both, sold within the corporate limits of the city, in such manner as will insure a fair, equal and uniform sale and measurement of the same.

Code, 1922, Vol. 3, ch. 35, Art. 6, p. 1041.

Sec. 3456 (1876). Gauging of certain liquors sold in Charleston; appointment and term of gauger.—All oils, molasses, syrups, wines, vinegar and liquors (not domestic) sold in the city of Charleston, either by the hogshead, pipe, puncheon, barrel, cask, keg or tank, shall, before their delivery, be gauged by a sworn gauger, elected by the city council of Charleston, whose term of office shall be for four years.

Sec. 3461 (1856). Duty of inspector to examine crude turpentine, etc.—It shall be the duty of the inspector of naval stores for the city of Charleston to examine and inspect any crude turpentine or rosin of grades other than those known as "common" or "number two," which may be offered for sale in the city of Charleston, and which may be submitted for examination by the owner or other person having charge of the same.

Sec. 3462. Inspector to weigh, search, try, and brand turpentine or rosin.—Every barrel of crude turpentine or rosin submitted to an inspector as aforesaid shall be by him weighed and searched, and tried, and the inspector shall brand every such barrel or cask with the word "Charleston," and shall brand thereon, in characters known to the trade, the quality of said turpentine or rosin, together with the weight of the same expressed in figures, and every barrel of rosin and turpentine shall be cleaned, strained and merchantable, without chips, leaves, filth, or dirt.

Sec. 3463. Fees allowed inspector; lien for fees.—For every barrel of turpentine or rosin weighed by the inspector, he shall be entitled to three cents, and for every barrel inspected and branded as herein directed, three and one-quarter cents, to be paid by the owner of said turpentine or his agent, and the inspector shall have a lien on said barrels for the amount due.

Sec. 3464 (1870). Weight of barrel of crude turpentine; quality of tar to barrel.—In the absence of satisfactory proof of a special stipulation to the contrary, it shall be presumed and held that the quantity and weight of crude turpentine to make a barrel thereof is two hundred and eighty pounds, and that the quantity of tar to make a barrel thereof is thirty-two gallons.

Code, 1922, Vol. 3, ch. 35, Art. 7, p. 1043.

Sec. 3469 (1746). Size and contents of pork and beef barrels.—Every barrel of pork or beef packed and sold in this State shall contain thirty gallons and two hundred pounds weight of wholesome, well-cured meat in the same, which shall be weighed by the packers, and well packed with salt and pickle, each piece not to weigh more than eight pounds, and not to be cut or mangled further than to take out the kernels or where the bones require it, and not more than two heads in one barrel of pork. No beef's heads or shanks shall at all be packed.

Sec. 3474. Size of pipe staves, etc.—All staves to be made for exportation, and all shingles which shall be offered for sale in this State, shall be made of good and sound timber, and shall be of the

following dimensions, to wit: Each pipe stave to be made of white oak, fifty-eight inches long, and not less than three-quarters of an inch thick at the thin edge, and three inches broad, clear of sap; each hogshead stave to be made of red or white oak, forty-two inches long, not to be less than three-quarters of an inch thick at the thin edge, and four inches broad, clear of sap; and each barrel stave, of red or white oak, to be thirty inches long, not to be less than half an inch at the thin edge, and four inches broad, clear of sap; and each shingle to be twenty-two inches in length, and not less than half an inch thick at the thick end, and well shaved, so as not to be winding, and not less than three inches and a half broad, clear of sap.

Code, 1922, Vol. 3, ch. 35, Art. 8, p. 1045.

Sec. 3475 (1855). Rules for measuring timber and lumber; "side and edge measurement" illegal.—All ranging timber bought or sold in the markets of this State shall be by board or superficial measurement; and any person or persons who shall buy or sell ranging timber in or for the markets of Charleston or Georgetown, or any other public market in this State, by the rule known as "side and edge measurement," that is to say, by adding the side to the edge, multiplying by the length, and dividing by twelve [(side + edge) × length ÷ twelve] shall be fined for every such act of buying or selling not less than one hundred dollars and not more than three hundred dollars.

Sec. 3476 (1853). No timber to be sold except by board measure.—No timber shall be sold or purchased in the city of Charleston by any mode of measurement except that denominated board or superficial measurement (unless by special contract between the parties), which shall alone be done by the inspectors or surveyors of timber in the city of Charleston.

Sec. 3477. Inspectors elected annually.—The city council of Charleston and the town councils of Beaufort, Port Royal, and Georgetown, shall each elect annually, for their respective municipalities, one or more inspectors and surveyors of timber, * * *

Sec. 3478 (a1856). Inspectors to measure timber as herein directed.—It shall be the duty of the said surveyors and inspectors to measure all timber in the manner aforesaid brought for sale to the city of Charleston, at the request of any person owning or buying the same, and shall give a certificate to such person, specifying the quality, and kind, and quantity of such timber, and the number of pieces in each lot; which certificate shall be evidence of the matters stated therein, as between the owner and purchasers thereof. But nothing herein contained shall prevent any person or persons from buying or selling timber in bulk without measurement.

Sec. 3479 (1877). Lumber to be inspected by licensed measurers.—All timber and lumber brought to market for sale at the ports of Charleston, Port Royal, Beaufort, and Georgetown, shall be measured and inspected by one of the licensed measurers, selected by the seller and buyer jointly; and the measurer so selected shall be entitled individually to the fee earned by him; and the manner of inspection and classification of both timber and lumber shall be such as may be agreed upon between the buyer and seller.

Should the buyer fail to agree to the selection of a measurer, then the measurement and inspection and classification may be made by any official measurer.

Sec. 3480. Fees.—The fees to be received by the measurers shall not exceed the following rates, viz: Ten (10) cents per thousand feet for all square, hewn, or round timber; ten (10) cents per thousand feet for all lumber measured by bulk measurement in rafts; and twenty-five (25) cents per thousand feet for all lumber measured and inspected by the piece; the expense of measuring fees to be equally divided between the buyer and seller.

Code, 1922, Vol. 3, ch. 35, Art. 10, p. 1051.

Sec. 3497 (1910). Weight to be marked on packages of feeding stuff.—Every lot or parcel of concentrated commercial feeding stuff sold, offered or exposed for sale within this State shall have affixed thereto, or printed thereon in a conspicuous place on the outside thereof, a legible and plainly printed statement, in the English language, clearly and truly certifying the weight of the package (provided that all concentrated commercial feeding stuffs shall be in standard weight bags or packages of 25, 50, 75, 100, 125, 150, 175 or 200 pounds); the name, brand or trade-mark under which the article is sold; the name and address of the manufacturer, jobber or importer * * *

Code, 1922, Vol. 3, ch. 62, Art. 5, p. 1467.

Sec. 4866 (1906). Consignees of coal, etc., may have same reweighed by commissioner.—Any consignee of coal or other articles to be delivered to him in carload lots by any common carrier at any point within the limits of this State where such common carrier maintains track scales, shall have the right to demand that such coal or other articles be reweighed before delivery to him by said common carrier; and it shall be the duty of such common carrier, within forty-eight hours after such demand, to reweigh the same and deliver to such consignee a written, or partly written and partly printed, statement, showing the true weight thereof.

Sec. 4867. Penalty for failure to have coal reweighed.—Any common carrier refusing or failing to comply with any of the provisions of section 26 [4866] shall forfeit the right to any freight incurred through transportation of such coal or other article, or in the event that such freight shall have been prepaid, shall be liable as a penalty to the said consignee for the amount of freight so prepaid, to be recovered by suit in any court of competent jurisdiction.

Sec. 4868. No demurrage after demand that coal be reweighed.—No demurrage or other similar charges shall be made by any common carrier against a consignee making the demand specified in section 26 [4866], between the time of the making of such demand and the time of delivery by such common carrier to said consignee of the statement required in said section.

Sec. 4869. Common carriers to maintain scales under certain conditions.—It shall be the duty of any common carrier doing business in this State, upon demand of any party or any industrial enterprise having a sidetrack adjacent to and used in connection with the business of the said party or industrial enterprise, to erect and maintain

on the said sidetrack suitable scales for reweighing the said coal or other articles, in car-load lots: *Provided, however*, The said party or industrial enterprise shall agree and become liable to the said common carrier to pay the amount incurred by said common carrier in the erection and maintenance of the said scales. In such event, it shall be the duty of the said common carrier to reweigh such coal or other articles delivered in car-load lots to the said party or industrial enterprise upon said sidetrack, as provided for in section 26 [4866]. Upon refusal so to weigh, the said common carrier shall be liable for the same penalties heretofore provided in sections 26 to 29 [4866 to 4869] inclusive.

Sec. 4870 (1912). Track and platform scales, jurisdiction of.—All railroad track and platform scales, which are used in connection with shipping, are hereby placed under the jurisdiction of the railroad commission, for inspection, and to require new scales when needed, and to require the installation of such scales whenever in their opinion same is necessary for the needs of the public. A failure or refusal to carry out instructions of said commission, in reference to said scales, shall be punished by a penalty of two hundred dollars for each refusal, to be recovered by suit in any court of competent jurisdiction by any person or corporation aggrieved; and any sum so recovered shall be turned into the State treasury for general use.

SOUTH DAKOTA

Laws, 1919, ch. 358, p. 437.

Sec. 1. Contracts, how construed regarding weights and measures.—All contracts, sales, purchases or any other transaction having for its purpose the exchange of commodities or work to be done by weight or measure, shall be taken and construed according to the standard of weights and measures hereby adopted as the standard of this State, and it shall be unlawful to make contracts, sales or purchases or engage in any such transaction contrary to the provisions of this act.

Sec. 2. Standards, source and verification; standard metric measures.—The weights and measures received from the United States under a resolution of Congress approved June 14, 1836, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or in renewal thereof, and such as shall be supplied by the State in conformity therewith and certified to by the National Bureau of Standards shall be the State standards of weight and measure. Nothing in this act shall prohibit the use of standard metric measures.

Sec. 3. State treasurer to take charge of standards; verification and record; duplicate standards.—The State treasurer[1] shall take charge of the standards adopted by this act as the standards of the State, and cause them to be kept in a fire proof building belonging to the State and from which they shall not be removed except for repairs or for certification, and he shall take all other necessary precautions for their safekeeping. He shall maintain the State standards in good order and shall submit them at least once in ten years to the National Bureau of Standards for certification. He shall keep a complete record of the standards, balances and other apparatus belonging to the State and take a receipt for same from his successor in office. Such standards shall be used only for testing any duplicate standards that may be required in the enforcement of this act.

Sec. 4. Units of standard measure; yard, pole, perch, mile, chain, links, acre, square mile.—The units or standard measures of length and surface from which all other measures of extension, whether lineal, superficial or solid, shall be derived and ascertained, are the standards of length designated in this act. For measures of cloth and other commodities commonly sold by the yard, the yard may be divided into halves, quarters, eighths, and sixteenths. The rod, pole or perch contains five and one-half yards; the mile, one thousand seven hundred sixty yards. A chain for measuring land is twenty-two yards long and is divided into one hundred equal parts called links. The acre for land measure shall be measured horizontally and contain ten square chains, equivalent in area to a rectangle sixteen rods in length and ten rods in breadth; six hundred and forty acres being contained in a square mile.

[1] See Laws, 1925, ch. 115, infra.

Sec. 5. Standards of weight; hundredweight, ton.—The units or standards of weight, from which all other weights shall be derived and ascertained, shall be the standard weights designated in this act. The hundred-weight consists of one hundred avoirdupois pounds and twenty hundred-weight are a ton. Whenever, hereafter, in this act the word "pound" is used it shall mean the avoirdupois pound unless otherwise distinctly specified.

Sec. 6. Bushel weights; fractional parts.—Whenever any of the articles or commodities mentioned in this section shall be bought, sold or dealt in by the bushel or fractional part thereof the measure thereof shall be determined by avoirdupois weight, and a bushel of each of the respective articles mentioned in this section shall mean the amount of weight of each article herein specified, as follows:[2]

	Pounds		Pounds
Apples	48	Orchard grass seed	14
Apples, dried	24	Osage orange seed	32
Alfalfa seed	60	Parsnips	48
Barley	48	Peaches	48
Beans, dried	60	Peaches, dried	33
Beans, green, unshelled	50	Peanuts	20
Beans, Lima, dried	56	Pears	45
Beets	56	Peas, dried	60
Blue grass seed	14	Peas, green, unshelled	56
Bromus inermus	14	Plums	48
Broom corn seed	50	Popcorn on the ear	70
Buckwheat	48	Popcorn, shelled	56
Carrots	50	Potatoes	60
Castor beans, shelled	50	Quinces	48
Clover seed	60	Radish seed	50
Corn meal	50	Rape seed	50
Corn on cob (field)	70	Red top seed	14
Corn, shelled (field)	56	Rutabagas	50
Cucumbers	48	Rye	56
Flax seed	56	Salt, coarse	80
Grapes, with stems	40	Sand	130
Hemp seed	44	Spelts	45
Hickory nuts, hulled	50	Sorghum seed	50
Hungarian grass seed	50	Sweet corn	50
Kaffir corn	56	Sweet potatoes	54
Lime	80	Timothy seed	45
Millet seed	50	Tomatoes	50
Oats	32	Turnips	55
Onion bottom sets	32	Walnuts, black hulled	50
Onion top sets	30	Wheat	60
Onions	52	All root crops nor specified above	50

It shall be unlawful in buying to take any greater number of pounds or in selling to give any less number of pounds to the bushel, than is in this section allowed and provided, and no test for moisture shall be used to change the standards herein provided. If any of the foregoing articles or commodities are bought, sold or dealt in by the one-half bushel, peck, half peck, quarter peck, quart or pint, the one-half bushel, peck, half peck, quarter peck, quart or pint shall be by weight and shall be derived from the weights per bushel as prescribed for such articles or commodities in this section, and shall be determined by successively dividing such weight by two.

Sec. 7. Dockage for dirt, etc., how ascertained; excess cob, amount allowed.—When, in the purchase, sale or delivery of any grain, seed or any other agricultural product, excepting corn on cob (field) a

[2] A slight change has been made in the arrangement for convenience of reference.

dockage or discount is taken for dirt, foul seed or any other substance or mixture, such dockage must be according to the per cent of such dirt, foul seed, or other substance or mixture present in the grain, seed or other agricultural product, which per cent must be determined by the careful sifting and grading of a truly representative sample of said grain, seed or other agricultural product. No greater dockage shall be taken than the proportion of dirt, foul seed or other substance or mixture which shall be found by such careful sifting and grading. When in the purchase, sale or delivery of corn on cob (field) dockage or discount for excess cob is taken it shall only be taken when the standard bushel contains more than fourteen pounds of cobs. Said dockage shall be computed in terms of pounds to the standard bushel and be determined by careful shelling of a weighed standard bushel, or an amount of like proportion.

Sec. 8. Barrel for liquids; hogshead; gallon; barrel of flour, and subdivisions; barrel of potatoes; barrel of unslaked lime; standard barrel for apples, pears, and other fruit.—1. A barrel for liquid shall contain thirty-one and one-half gallons, and a hogshead two barrels.

2. A liquid gallon shall contain two hundred and thirty-one cubic inches.

3. A barrel of flour measured by weight shall contain one hundred ninety-six pounds; one-half barrel, ninety-eight pounds; one-quarter barrel, forty-nine pounds; one-eighth barrel, twenty-four and one-half pounds, and one-sixteenth barrel, twelve and one-fourth pounds.

4. A barrel[3] of potatoes or other vegetables shall be the same as the standard barrel for apples or pears or other fruit as provided in subsection 6 of this section.

5. A barrel of unslaked lime shall contain two hundred pounds.

6. The standard barrel for apples or pears or other fruit unless otherwise specifically defined, shall have an interior capacity of seven thousand and fifty-six cubic inches, and shall not be less than twenty-six inches between the heads inside; the diameter of the heads shall be seventeen and one-eighth inches, including the beveled edge; the outside bulge or circumference shall be not less than sixty-four inches, the thickness of the staves being four-tenths of an inch: *Provided, however*, That any barrel of different form, having the same distance between heads and a capacity of seven thousand and fifty-six cubic inches, shall be a legal barrel.

Sec. 9. Coal, coke, and charcoal, sale by weight; delivery ticket.—It shall be unlawful to sell or offer to sell except at the mine any coal, coke, or charcoal in any other manner than by weight. It shall be unlawful for any person to deliver, except at the mine any coal, coke or charcoal without each such delivery being accompanied by a delivery ticket and a duplicate thereof, on each of which shall be in ink or other indelible substance, distinctly expressed in pounds, the gross weight of the load, the tare of the delivery vehicle and the quantity or quantities of coal, coke, or charcoal contained in the vehicle used in such deliveries, with the name of the purchaser thereof, and the name of the dealer from whom purchased. One of these tickets shall be delivered to the said purchaser of said coal, coke, or charcoal, or his agent or representative at the time of the

[3] See footnote, p. 20, relative to the Federal standard barrel.

delivery of the fuel; and the other ticket shall be retained by the seller of the fuel. When the buyer carries away the purchase a delivery ticket showing the actual number of pounds delivered to him must be given to him at the time the sale is made.

Sec. 10. Milk bottles, sizes and variations and tolerances allowed; manufacturer's mark.—Bottles used for the sale of milk or cream shall be of the capacity of half gallon, three pints, one quart, one pint, one-half pint, one gill, filled full to the bottom of the lip or cap ring. The following variations on individual bottles or jars may be allowed, but the average contents of not less than twenty-five bottles selected at random from at least four times the number tested must not be in error by more than one quarter of the tolerances herein provided; six drams above and six drams below on the half gallon; five drams above and five drams below on the three pint; four drams above and four drams below on the quart; three drams above and three drams below on the pint; two drams above and two drams below on the half pint; two drams above and two drams below on the gill. Bottles or jars used for the sale of milk shall have clearly blown or otherwise permanently marked in the side of the bottle the name, initial or the trade-mark of the manufacturer, and the capacity of the bottle or jar.

Sec. 11. Hay, straw, and forage, how sold.—All hay of whatever kind, straw or other forage which is sold at wholesale or retail by a regular dealer in such commodities, shall in every instance be sold by weight: *Provided*, That this section shall not apply to the sale of hay, straw or other forage in sacks [stacks].

Sec. 12. Butter and oleomargarine to be sold by weight.—It shall be unlawful for any person to sell, or offer to sell any butter, or renovated or process butter, or oleomargarine in any other manner than by weight.

Sec. 13. Berries and small fruit, how sold.—It shall be unlawful to sell or offer to sell any berries or small fruit in any other manner than by weight, dry measure, or in the containers described in this section. It shall be unlawful to procure or keep for the purpose of sale, offer or expose for sale, sell or give away baskets or other open containers for berries or small fruits, holding one quart or less, or to procure or keep for the purpose of sale, offer or expose for sale or sell berries or small fruits in baskets or other open containers holding one quart or less, of any other than the following capacities when level full: One quart, one pint, one-half pint, standard dry measure.

Sec. 14. Net weight to be employed; contracts, how construed.—Whenever any commodity is sold on the basis of weight, it shall be unlawful to employ any other weight in such sale than the net weight of the commodity; and all contracts concerning goods sold on a basis of weight shall be understood and construed accordingly. Whenever the weight of a commodity is mentioned in this act, it shall be understood and construed to mean the net weight of the commodity.

Sec. 15. Definition of terms.—The word "person" as used in this act shall be construed to import both the plural and singular, as the case demands and shall include corporations, companies, societies and associations. The words "weights," "measures," "weighing devices" and "measuring devices" as used in this act, shall be construed to include all weights, scales, beams, measures of every kind,

instruments and mechanical devices for weighing or measuring, and any appliances and accessories connected with any or all such instruments. The words "sell" or "sale" as used in this act, shall be construed to include barter and exchange.

Sec. 16. Violation.—Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten nor more than one hundred dollars or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment.

Sec. 17. Repeal.—Sections 10363 to 10370 inclusive and section 10378 of the Revised Code of 1919, and all other acts or parts of acts in conflict with this act are hereby repealed.

Laws, 1925, ch. 115, p. 104; Civil Administrative Code, ch. III.

Sec. 1, Art. I. Creation of the department.—A department of the government of the State of South Dakota, to be known as the department of agriculture, is hereby created. Except as hereinafter provided, this department shall succeed to, and is hereby vested with, all the duties, powers, purposes, responsibilities and jurisdiction now, or hereafter by law to be vested in the following offices, officers, commissions, boards and agencies, to wit: Commissioner of agriculture, department of agriculture, State dairy expert, * * * food and drug commissioner, inspector of hotels, inspector and sealer of weights and measures, inspector of petroleum products, department of marketing, director of marketing, and of the several officers, deputies and employees of such bodies and offices; and whenever by the provisions of any statute or law now in force or that may hereafter be enacted, a duty or jurisdiction is imposed or authority conferred upon any of said bodies, officers, offices, deputies or employees, the enforcement of which is transferred to this department, such jurisdiction and authority are hereby imposed upon and transferred to the department of agriculture and the appropriate officers of said department, with the same force and effect as though the title of said department of agriculture had been specifically set forth and named therein, in lieu of the name of any such board, commission, office, officer, deputy or employee thereof, as the case may be. Said bodies and offices, together with the duties, powers, purposes, responsibilities and jurisdiction which are so transferred to, and vested in, the department of agriculture, and the position of all officers, deputies and employees thereunder are, and each of them is, hereby abolished, and shall have no further legal existence, but the statutes and laws under which they existed, and all laws prescribing their duties, powers, purposes, responsibilities and jurisdiction are hereby expressly continued in force. The department of agriculture shall also be in possession and control of all the records, books, papers, equipment, supplies, moneys, funds, appropriations and other property, real or personal, now or hereafter held for the benefit or use of said bodies, offices and officers, or any part thereof.

Sec. 2, Art. I. To execute, etc.; general powers.—The department of agriculture shall have power:

9th. To execute and enforce all laws relating to the inspection of foods, drugs, dairy products, oils, cider, vinegar, oleomargarine, butterine, and all other food products, and sanitation of premises used for the manufacture, preparation, storage and sale of foods and food

products; cold-storage warehouses, seeds, noxious weeds, commercial feeding stuffs, live stock remedies, commercial fertilizer, hotels and restaurants, lodging houses, weights and measures, including the inspection of all warehouse and public scales, including scales of fuel dealers and all merchants, and from time to time promulgate such rules and regulations and, with the advice of the State chemist, adopt such standards of food products as are necessary and proper to enforce the provisions of this title.

Sec. 1, Art. V. Division of inspection; powers and duties.—The head of this division shall be known as the director of inspections. The secretary of agriculture, through the division of inspections shall, except as hereinafter provided, administer the laws, perform the duties and exercise the powers heretofore administered, performed and exercised by the State entomologist, the State food and drug commissioner, the State dairy expert and the State bee inspector.

Sec. 3, Art. V. Foods; adulteration and misbrandings.—Except as hereinafter provided, the secretary of agriculture shall succeed to the duties and powers heretofore placed upon and granted the State food and drug commissioner, and wherever the expression "State food and drug commissioner" or the term "commissioner" now appears in any of the sections of the Revised Code of 1919 of South Dakota, or subsequent laws of the State of South Dakota, the secretary of agriculture shall be substituted in place of such State food and drug commissioner or commissioner. Through the division of inspections and the director thereof, the secretary shall be authorized to make complaint against any person violating any of the provisions of the laws he is hereby empowered and required to enforce and administer before any court having jurisdiction, and security for costs shall not be required of the complainant in any action or proceeding instituted by him or under his authority for the purpose of such enforcement; and it shall be the duty of all prosecuting officers of this State to prosecute to completion all actions or proceedings brought under the provisions of this chapter. * * *

Sec. 6, Art. V. Foods; bread.—Chapter 239 of the Session Laws of 1921, as amended by chapter 188 of the Session Laws of 1923, relating to bread, the manufacture and sale thereof, and providing standard weights therefor, is hereby retained in force; provided, that wherever in such chapter as so amended either of the following expressions "State food and drug commissioner," "Food and drug commissioner" or "commissioner" shall appear, there shall be substituted therefor the expression "secretary of agriculture" or "secretary," and the secretary of agriculture shall enforce, through the division of inspections, the provisions of said chapter as so amended.

Sec. 9, Art. V. Paints and oils.—Sections 7884 to 7891, inclusive, of the Revised Code of 1919, relating to paints, linseed oil, and substitutes therefor and compounds thereof, are hereby expressly retained in force: *Provided*, That wherever in such sections either of the following expressions "State food and drug commissioner," "food and drug commissioner" or "commissioner" shall appear there shall be substituted therefor the expression "secretary of agriculture" or "secretary," and the secretary of agriculture shall enforce, through the division of inspections, the provisions of said sections.

Sec. 10, Art. V. Commercial feeding products and medicinal stock foods.—Sections 7892 to 7903 of the Revised Code of 1919, relating

to commercial feeds and medicinal stock foods, their registration, labeling and sale, are hereby expressly retained in force: *Provided*, That wherever in such sections either of the following expressions "State food and drug commissioner," "food and drug commissioner" or "commissioner" shall appear there shall be substituted therefor the expression "secretary of agriculture" or "secretary," and the secretary of agriculture shall enforce, through the division of inspections, the provisions of said sections.

Sec. 11, Art. V. Commercial fertilizers.—Chapter 207 of the Session Laws of 1919, relating to registration, labeling and sale of commercial fertilizers, is hereby expressly retained in force: *Provided*, That wherever in such sections either of the following expressions "State food and drug commissioner," "food and drug commissioner" or "commissioner" shall appear there shall be substituted therefor the expression "secretary of agriculture" or "secretary," and the secretary of agriculture shall enforce, through the division of inspections, the provisions of said sections.

Sec. 12, Art. V. Petroleum products.—Sections 7866 to 7883, inclusive, being title four, chapter eleven of the Revised Code of South Dakota for 1919, relating to the inspection and sale and storage of petroleum products, are hereby expressly retained in force: *Provided*, That wherever in such title either of the following expressions "State food and drug commissioner," "food and drug commissioner" or "commissioner" shall appear, there shall be substituted therefor the expression "secretary of agriculture" or "secretary," and the secretary of agriculture shall enforce through the division of inspections the provision of said title.

Sec. 13, Art. V. Standards of weight and measure; providing for inspection of weights and measures.—Chapters 358 and 359 of the Session Laws of 1919, providing standards of weights and measures and for the inspection of weights and measures and weighing and measuring devices, are hereby expressly retained in force: *Provided*, That wherever in such chapters as so amended either of the following expressions "State food and drug commissioner," "food and drug commissioner" or "commissioner" shall appear, there shall be substituted therefor the expression "secretary of agriculture" or "secretary," and the secretary of agriculture shall enforce, through the division of inspections, the provisions of said chapters. Sections 10371 to 10377, inclusive, of the Revised Code of 1919, relating to standards and methods of measurements, are hereby expressly retained in force. Section 9573 and sections 4272 to 4276, inclusive, of the Revised Code of 1919, are hereby repealed. And, sections 9765, 9581, 9582, 9584, 9585 and 9586 of the Revised Code of 1919 and section 9583 of the Revised Code of 1919 as amended by chapter 344 of the Laws of 1921, are expressly retained in force: *Provided*, That wherever in such sections reference is made to the State board of railroad commissioners, it shall be construed to mean the secretary of agriculture.

Laws, 1919, ch. 359, p. 441.

Sec. 1. Inspector and sealer of weights and measures, who is; duties.—The State food and drug commissioner[4] is hereby made ex officio

[4] Now under the department of agriculture. See Laws, 1925, ch. 115, supra.

inspector and sealer of weights and measures and is hereby charged with the duty of carrying into force and effect the provisions of this act. The duties devolving upon him under the provisions of this act shall be performed with the assistance of the inspectors and other employees of the State food and drug department in connection with the performance of other duties devolving upon them as employees of such department.

Sec. 2. Duplicate State standards, where kept; verification.—In addition to the State standards of weights and measures provided for by law, there shall be supplied by the State at least one complete set of duplicate standards, to be kept at all times in the office of the State food and drug commisisoner and to be known as the office standards; and such other weights, measures, and apparatus as may be found necessary to carry out the provisions of this act, to be known as working standards. Such weights, measures, and apparatus shall be verified by the State food and drug commissioner or his assistants at his direction, upon their initial receipt and at least once in each year thereafter, the office standards by direct comparison with the State standards, the working standards by comparison with the office standards. When found accurate upon these tests the office and working standards shall be sealed by stamping on them the letters "S. D." and the last two figures of the year with seals, which the State food and drug commissioner shall have and keep for that purpose. The office standards shall be used in making all comparisons of weights and measures and weighing and measuring devices submitted for test in the office of the State food and drug commissioner.

Sec. 3. Reports.—The State food and drug commissioner may from time to time make, and he is hereby authorized to make, reports in printed bulletins, of the work undertaken and accomplished under this act, together with other information relative to weights and measures as may be deemed suitable.

Sec. 4. Supervision of weights and measures for sale and in use, and in public institutions; State university to assist, when.—Except as provided for in section 9765 and in sections 9581 to 9586 inclusive, of the Revised Code of 1919, the State food and drug commissioner shall have and keep a general supervision of the weights, measures, and weighing or measuring devices, offered for sale, sold, or in use in the State. He, or his assistants at his direction, shall at least once annually test all scales, weights, and measures used in checking the receipts and disbursements of supplies in every institution for the maintenance of which moneys are appropriated by the legislature, and he shall report in writing his findings to the supervisory board and to the executive officer of the institution concerned, and, at the request of such board, or executive officer, he shall appoint in writing one or more employee then in the actual service of the institution who shall act as special deputies for the purpose of checking the receipts or disbursements of supplies. It is hereby made the duty of the department of physics of the State University of South Dakota, upon request of the food and drug commissioner to assist him or his assistants in all such matters as may require the facilities of the laboratory of that department or technical knowledge relating to physical measurements.

Sec. 5. Weights and measures, testing of and of packages; police powers.—When not otherwise provided by law the State food and

drug commissioner shall have the power, and it shall be his duty to inspect, test, try and ascertain if they are correct, all weights, measures and weighing and measuring devices kept, offered, or exposed for sale, sold or used or employed by any proprietor, agent, lessee, or employee in proving or ascertaining the size, quantity, extent, area, or measurement of quantities, things, produce or articles of distribution or consumption purchased or offered or submitted by such person or persons for sale, hire or award; and he shall have the power to, and shall, from time to time, weigh or measure and inspect packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered or exposed for sale, sold or in the process of delivery, in order to determine whether the same contain the amounts represented, and whether they be offered for sale or sold in a manner in accordance with law. He may for the purposes above mentioned, and in the general performance of his official duties, enter and go into or upon, without formal warrant, any stand, place, building, or premises, or stop any vender, peddler, junk dealer, coal wagon, ice wagon, delivery wagon, or any dealer whatsoever, and require him, if necessary, to proceed to some place which the State food and drug commissioner may specify, for the purpose of making proper tests. Whenever the State food and drug commissioner finds a violation of the statutes relating to weights and measures, he shall cause the violator to be prosecuted.

Sec. 6. Testing and sealing.—Whenever the State food and drug commissioner compares weights, measures, or weighing or measuring devices and finds that they correspond or causes them to correspond with the standards in his possession, he shall seal or mark such weights, measures or weighing or measuring devices with appropriate seals or marks.

Sec. 7. Weights and measures, may be condemned and seized, when.—The State food and drug commissioner shall condemn and seize and may destroy incorrect weights, measures, or weighing or measuring devices which in his best judgment, are not susceptible to satisfactory repair; but such as are incorrect and yet may be repaired, he shall mark or tag as "Condemned for repairs." The owners or users of any weights, measures, or weighing or measuring devices of which such disposition is made shall have the same repaired or corrected within sixty days, and they may neither use nor dispose of the same in any way, nor remove or deface any such "Condemned for repairs" tag or other mark or tag affixed by the food and drug commissioner until they shall have received from the food and drug commissioner written permission to do so. Any weights, measures or weighing or measuring devices which have been "Condemned for repairs," and have not been repaired as required above, shall be confiscated by the food and drug commissioner.

Sec. 8. Interfering with officials.—Except as in this act otherwise provided any person, firm or corporation preventing or attempting to prevent, or in any way interfering with the food and drug commissioner or any of his inspectors or agents in entering the premises where a weighing or measuring device may be kept, for inspecting or testing the same, or knowingly failing or neglecting to observe any reasonable rule or regulation of the said food and drug commissioner adopted for the enforcement of this act, shall be deemed guilty of a

misdemeanor and upon conviction thereof shall be fined not to exceed one hundred dollars for each offense.

Sec. 9. Deputy inspectors, powers and duties.—The powers and duties given to and imposed on the State food and drug commissioner by sections 5, 6 and 7 of this act are hereby given to and imposed upon his deputy and inspectors also, when acting under his instructions and at his direction.

Sec. 10. Officials made special policemen.—The State food and drug commissioner, his deputy and inspectors, are hereby made special policemen, and are authorized and empowered to arrest any violator of the statutes in relation to weights and measures, to enter complaint before any court of competent jurisdiction, and to seize and use as evidence, without formal warrant, any false or unsealed weight, measure, or weighing or measuring device or package or amount of commodities found to be used, retained, or offered or exposed for sale or sold in violation of law.

Sec. 11. Impersonating officials; penalty.—Any person who shall impersonate in any way the food and drug commissioner as inspector of weights and measures, his deputy, or inspectors, in the performance of his or their official duties shall be guilty of a felony, and upon conviction thereof in any court of competent jurisdiction shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the State penitentiary for not more than one year

Sec. 12. Hindering or obstructing officials; penalty.—Any person who shall hinder or obstruct in any way the food and drug commissioner, his deputy, or inspectors, in the performance of his or their official duties shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be punished by a fine of not less than $20 or more than $100 or by imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment.

Sec. 13. Milk or cream bottles or jars, not complying with law; penalty; tests to be made, when.—Any dealer or person who uses for the purpose of selling milk or cream, jars or bottles that do not comply with the requirements of the law as to marking and capacity shall be deemed guilty of giving false or insufficient measure. Any manufacturer, person, firm or corporation, who sells milk or cream bottles to be used in this State that do not comply with the law as to size and markings shall suffer the penalty of one hundred dollars, to be recovered by the attorney general in an action to be brought in name of the people of the State.

The State food and drug commissioner shall, from time to time, make tests on individual jars or bottles used by the various firms in the State for milk or cream in order to ascertain whether the above provisions are being complied with.

Sec. 14. Test of weights and measures upon complaint.—Whenever complaint shall be made to the State food and drug commissioner that any false or incorrect scales, weights or measures are being made use of by any person, firm or corporation in the purchase or sale of merchandise or other commodities or in weighing any article or commodity, the piece price for which is determined by weight or measure it shall be his duty to cause the same to be inspected as soon as the duties of his office will permit, and he shall make such other in-

spections of the weights and measures as in his judgment is [are] necessary or proper to be made.

Sec. 15. False weights and measures, possession or use of; penalty.—Any person who, by himself, or by his servant or agent or as the servant or agent of another person, shall offer or expose for sale, sell, use in buying or selling of any commodity or thing or for hire or award, or retain in his possession a false weight or measure or measuring or weighing device, or any weight or measure or weighing or measuring device which has not been sealed by the State food and drug commissioner within one year, or shall dispose of any condemned weight, measure, or weighing or measuring device contrary to law, or remove any tag placed thereon by the State food and drug commissioner, or his assistants at his direction; or who shall sell or offer or expose for sale less than the quantity he represents, or shall take or attempt to take more than the quantity he represents, when as the buyer, he furnishes the weight, measure, or weighing or measuring device by means of which the amount of the commodity is determined; or who shall keep for the purpose of sale, offer or expose for sale or sell any commodity in a manner contrary to law; or who shall violate any provision of this act for which a specific penalty has not been provided; or who shall sell or offer to sell or use or have in his possession for the purpose of selling or using any device or instrument to be used, or calculated to falsify any weight or measure; shall be guilty of a misdemeanor, and shall be punished by a fine of not less than $20.00 or more than $100.00, or by imprisonment for not more than thirty days, or by both such fine and imprisonment, upon the first conviction in any court of competent jurisdiction; and upon a second or subsequent conviction in any court of competent jurisdiction, he shall be punished by a fine of not less than $50.00 or more than $500.00 or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Sec. 16. Prosecutions, how commenced.—The State's attorney of each county in the State is hereby authorized and required upon complaint on oath of the State food and drug commissioner or other person, to prosecute before any court of competent jurisdiction in the name of the State of South Dakota a proper action or proceeding against any person or persons violating the provisions of this act.

Sec. 17. Repeal.—Sections 10379 to 10384 inclusive, section 10390 and sections 10395 to 10400 inclusive of the Revised Code of 1919, are hereby repealed, save and except that this act shall not be construed as amending, impairing, repealing or conflicting with the provisions of sections 9764, 9765, 7992, 7993 and sections 9581 to 9586 inclusive of the Revised Code of 1919.

Rev. Code, 1919, Vol. 1, Part 4, ch. 10, p. 1041.

Sec. 4272°. False weights and measures.—If any person, with intent to defraud, uses a false balance, weight or measure, in the weighing or measuring of anything that is purchased, sold, bartered, shipped or delivered for sale or barter, or that is pledged or given in payment. he shall be punished by a fine not exceeding one hundred dollar nor less than five dollars, or by imprisonment in the county jail not more than thirty days, or by both such fine and imprisonment,

and shall be liable to the injured party in double the amount of damages.

Sec. 4273. Retaining same knowingly.—Every person who retains in his possession any weight or measure, knowing it to be false, unless it appears that it was so retained without intent to use it or permit it to be used in violation of the preceding section, shall be punished as therein provided.

Sec. 4274. False weights and measures may be seized.—Every person who is authorized or required by law to arrest another person for a violation of the two preceding sections is equally authorized and required to seize any false weights or measures found in the possession of the person so arrested, and to deliver the same to the magistrate before whom the person so arrested is required to be taken.

Sec. 4275. Weights may be tested and destroyed.—The magistrate to whom any weight or measure is delivered, pursuant to the last section, shall upon the examination of the accused, or if the examination is delayed or prevented, without awaiting such examination, cause the same to be tested by comparison with standards conformable to law, and if he finds it to be false, he shall cause it to be destroyed, or to be delivered to the State's attorney of the county in which the accused is liable to prosecution or trial, as the interests of justice in his judgment require.

Sec. 4276. Shall be destroyed, when.—Upon the conviction of the accused, such State's attorney shall cause any weight or measure in respect whereof the accused stands convicted, and which remains in his possession or under his control, to be destroyed.

Rev. Code, 1919, Vol. 2, ch. 2, Art 1, p. 1469.

Sec. 6169, as amended by Laws, 1919, ch. 275, p. 322. Powers enumerated.—Every municipal corporation shall have power: * * *

Subdivision 68. To provide for the inspection, weighing and measuring of hay, lime, stone, wood, coal, lumber, charcoal, or any article of merchandise and all kinds of coal and wood used for fuel or for heating purposes and the places and manner of weighing and measuring the same and the establishing of city scales and the appointment of weighers and inspectors.

Subdivision 69. To provide for the inspection and sealing of weights and measures.

Subdivision 70. To enforce the keeping of proper weights and measures by vendors.

Sec. 6170 (1913). Powers of cities.—In addition to the powers granted by the preceding article [art. 1] every city shall have power: * * *

12. To regulate the sale of bread in the city and prescribe the weight and quality of the bread in the loaf.

Rev. Code, 1919, Vol. 2, Part 22, ch. 8, Art. 1, p. 2700.

Sec. 10371 (1915). Cubic ton of hay.—Unless otherwise agreed upon between the contracting parties, the following shall be the legal measurement of a ton of hay in stack:

For clean, native blue joint hay, alkali or salt grass hay or wheat grass hay or the same mixed, settled in the stack for thirty to sixty days, 422 cubic feet, thereafter 343 cubic feet.

For clean, alfalfa hay, settled in the stack for thirty to sixty days, 512 cubic feet, thereafter 422 cubic feet.

For clean timothy or clover hay, or the same mixed, settled in the stack from thirty to sixty days, 512 cubic feet, thereafter 422 cubic feet.

Sec. 10372. Method of measurement.—Unless otherwise agreed upon between the contracting parties, the following method is prescribed for determining the number of cubic feet in a rick stack of hay:

The width and the length of the stack on the ground shall be measured, and the average distance from the ground against one side of the stack to the ground against the other side of the stack, directly over and opposite, shall be taken in linear feet and inches, and then the width shall be subtracted from the measurement over the stack as above indicated, the result divided by two, and the result so obtained multiplied by the width and the result thus obtained multiplied by the length, which will give the number of cubic feet contained in the stack; and the tonnage thereupon determined by dividing the total number of cubic feet, as above determined, by the number of cubic feet allowed under the provisions of this article for a ton.

Sec. 10373. Round stack method.—Unless otherwise agreed upon between the contracting parties, the following method is prescribed for determining the number of cubic feet in a round stack of hay: Measure around the base of the stack in feet, and multiply such number by itself, and multiply the product by the height of the stack in feet, and divide the last-named product by twenty-five and the quotient so determined is the cubical contents of the stack, and the tonnage thereupon is determined by dividing the total number of cubic feet, as herein determined, by the number of cubic feet allowed for a ton under the provisions of this article.

Sec. 10374°. Perch of mason work.—A perch of mason work or stone is hereby declared to consist of twenty-five feet cubic measure.

Sec. 10375 (1915). Log rule.—The log rule now in use by the department of school and public lands and known as the "decimal C" log rule, is hereby declared and adopted as the legal rule by which all logs hereafter sold by the State from its public lands shall be measured and scaled.

Sec. 10376°. False mark or stamp; penalty.—Every person who knowingly marks or stamps false or short weight, or false tare, on any cask or package, or knowingly sells or offers for sale any cask or package so marked, shall be deemed guilty of a misdemeanor.

Sec. 10377. Increasing weight of package; penalty.—Every person who, in putting up in any bag, bale, box, barrel or other package any hops, cotton, hay or other goods usually sold in bags, bales, boxes, barrels or packages, by weight, puts in or conceals therein anything whatever for the purpose of increasing the weight of such bag, bale, box, barrel or package, shall be deemed guilty of a misdemeanor.

Rev. Code, 1919, Vol. 2, ch. 8, Art. 3, p. 2706.

Sec. 10385 (1893). Public weigher and measurer; appointment.—There shall be appointed in each municipal corporation, in April of each year, at least one public weigher and measurer, who shall hold his office for one year and until his successor is appointed and qualified.

Sec. 10386. Oath and bond.—Such public weigher and measurer, before entering upon the duties of his office, shall take the usual official oath and shall execute to the municipal corporation a bond in the sum of five hundred dollars, conditioned for the faithful performance of his duties.

Sec. 10387. Standard weights and measures to be furnished.—Every municipal corporation shall furnish to each public weigher and measurer, so appointed, a set of weights and measures of the United States standard, to be under his exclusive control.

Sec. 10388. Municipal scales.—Each municipal corporation shall procure for each public weigher and measurer therein appointed a set of true and exact scales having a capacity to weigh five tons at one time, and shall cause such scales to be set up and properly arranged for weighing in a convenient place in such municipal corporation, to be selected by the governing body thereof, and such scales shall be under the control and management of the public weigher and measurer.

Sec. 10389. Duty of weigher.—It shall be the duty of the public weigher and measurer appointed under the provisions of this article to immediately and correctly weigh all articles, loads or animals brought for that purpose to the scales over which he has control.

Sec. 10391. Certificate.—Such public weigher and measurer shall give to every person for whom he does any weighing a certificate showing the gross amount thereof, and shall keep in his office a true and correct copy of the certificate so given, which certificate or copy shall be prima facie evidence of the weight of the article, animal or load so weighed.

Sec. 10392. Fees.—Such public weigher and measurer shall receive for each weight so made by him the sum of ten cents, and for each scale so tested by him the sum of twenty-five cents, and for each measure tested by him the sum of twenty-five cents, to be paid by the person for whom such weight or test is made.

Sec. 10393. Scales must be accurate.—It shall be the duty of the public weigher and measurer to keep the scales over which he has control, by virtue of his office, in condition to make true and exact weighing.

Sec. 10394. False certificate; penalty.—Any weigher and measurer mentioned in this article who shall make any false or fraudulent certificate of any weighing or measuring done by him, or shall be guilty of any collusion with any other person for the purpose of deceiving any person in regard to the correctness of any scales, weights or measures, shall be punished for each offense by a fine of one hundred dollars or by imprisonment in the county jail for ninety days, or by both such fine and imprisonment.

Laws, 1921, ch. 239, as amended by Laws, 1923, ch. 188, p. 174.

Sec. 1. Bread, standard loaves fixed; marking required; tolerances; food and drug commissioner to enforce.—(*a*) It shall be unlawful for any person, firm or corporation to sell in this State, bread in loaves of any other weights than the following standard avoirdupois weights: One pound, one and one-half pounds, and any greater weight which is a multiple of one-half pound. These shall be the standard weights of bread to be sold in this State, and bread shall not be sold except of these weights: *Provided, however*, That the

provisions of this act regarding weight shall not apply to biscuits, buns, crackers, rolls, or to what is commonly known as "stale bread" and sold as such, if the seller at time of sale shall expressly state to the buyer that the bread so sold is "stale" bread: *And provided further*, That commercial bread shall be deemed stale forty-eight hours after baking. When twin or multiple loaves are baked, the weights specified in this section shall apply to each unit of the twin or multiple loaf, but nothing in this act shall be construed to prohibit making a twin loaf of total weight of twenty-four ounces, if the same be wrapped and sold as one twenty-four ounce loaf. There shall be printed upon the wrapper of each loaf of bread in plain and conspicuous type the name and address of the manufacturer of the bread and the weight of the loaf in terms of one of the standard weights herein specified, or in lieu of statement of weight, a declaration that the wrapped loaf is a standard weight loaf. The State food and drug commissioner shall enforce the provisions of this act and shall adopt and establish, in the manner provided by law, rules for such enforcement, including reasonable tolerances and variations within which all weights shall be kept: *Provided, however*, That such tolerances shall apply only to individual loaves, and variations from the standard weights herein prescribed shall be as often above as below the standard and the average weight of all loaves of the same designated weight and kind produced by any baker shall at least equal the standard weight which such loaves are indicated by the label or otherwise represented as weighing.

* * * * * * *

Sec. 4. Penalty.—Any person, firm or corporation that shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00) and each day's continuance of any practice, act or condition prohibited herein shall constitute a separate offense within the meaning of this act.

Rev. Code, 1919, Vol. 2, ch. 11, Art. 8, p. 1970.

Sec. 7866 (a1917). Inspection of petroleum products.—The State food and drug commissioner shall be ex officio inspector of petroleum products. He shall not appoint any deputy or assistant as special oil inspector, but the inspection of petroleum products shall be made contemporaneously with the performance of the other duties of such commissioner. Neither the commissioner nor any inspector shall traffic directly or indirectly in any product subject to inspection under the provisions of this article.

Sec. 7867. Definitions.—As used in this chapter the phrase "petroleum products" shall be construed to mean all illuminating oils which are the product of petroleum, or into which petroleum or any product of petroleum enters or is found as a constituent element and includes gasoline, kerosene, benzine, naptha, petrol and any mixture or compound of a like or similar nature; and the word "inspector" shall be construed to mean the food and drug commissioner, or any deputy or assistant appointed by him for the purpose of enforcing the provisions of this article.

Sec. 7871. Fees; number of gallons to barrel.—The inspector shall demand and receive from the owner or other person for whom

he shall examine or test any petroleum products, as defined in this article, five cents for every barrel so examined or tested, which fee shall constitute a lien on the product so examined or tested. When the amount contained in any tank, cask, or other vessel shall exceed fifty gallons, each fifty gallons shall constitute a barrel.

Sec. 7878. Inspect measuring devices; standard used; measuring devices, test of; disposition, when found incorrect; barrels for shipment of petroleum, how labeled; pumps and vending machines, may be seized, when; penalty.—It shall be the duty of the State inspector of petroleum products to inspect all pumps, vending machines and measuring devices used in this State for measuring or transporting kerosene, gasoline or other petroleum products, for the purpose of determining whether such measuring devices deliver correct measure. The standard for the measure of petroleum products shall be the United States standard gallon and the measures received from the United States as standard measures together with such as shall be supplied by the State inspector in conformity therewith and certified by the National Bureau of Standards, shall be the measures used in the enforcement of this article.

It shall be the duty of the inspector to inspect, test, and ascertain the correctness of all such measuring devices, for which purpose he shall have access without formal warrant to all places, premises, wagons or delivery trucks where petroleum products are sold or delivered. When such measuring devices are found to be correct and corresponding with the standards in his possession, the inspector shall seal them with appropriate devices. The inspector shall condemn and seize and may destroy any incorrect measure or measuring device which in his best judgment is not susceptible of satisfactory repair; but such as are incorrect and yet, in his best judgment, may be satisfactorily repaired, he shall mark or tag as " Condemned for repairs." The owner or user of any measure or measuring device so marked or tagged shall have the same corrected within ten days, and may neither use nor dispose of it in any way, but shall hold the same at the disposal of the State inspector. Any measure or measuring device which has been condemned for repairs and has not been repaired within the prescribed time, shall be confiscated by the inspector. All barrels used for the shipment or sale of petroleum products in this State shall be labeled in letters and figures not less than two inches high, showing the true net contents in United States standard gallons.

For the purpose of this section the State inspector of petroleum products, his deputies and inspectors, shall be special policemen and authorized to seize without formal warrant, for use as evidence, any pump, vending machine or measuring device used, kept or offered for sale in violation of this section. Any person who shall use any false or incorrect pump, vending machine or measuring device for the sale or transfer of gasoline, kerosene or other petroleum product as defined in this article, or who shall dispose of any such device in volation of its provisions, or who shall sell any such products, by short measure, in bulk, barrels, casks or other containers, shall be deemed guilty of a misdemeanor and upon conviction thereof for the first offense shall be punished by a fine of not less than ten nor more than fifty dollars, and for each subsequent offense by a fine of

not less than twenty-five nor more than one hundred dollars, and the incorrect or false device used by such offender shall be confiscated by the inspector.

Laws, 1925, ch. 113, p. 101.

Sec. 5. Number of cigarettes to package.—* * * All cigarettes sold in this State shall be put up in packages containing 5, 8, 10, 12, 15, 16, 20, 25, 40, 50, 80, or 100 cigarettes each. * * *

Rev. Code, 1919, Vol. 2, ch. 11, Art. II, p. 1953.

Sec. 7807 (1917). "Food" defined.—The word "food" as used in this article shall include all substances used as food, drink, confectionery or condiment by man or other animals, whether simple, mixed or compound, and all substances or ingredients to be added to foods for any purpose.

Sec. 7809, as amended by Laws, 1923, ch. 193, p. 178. "Misbranded" defined.—* * * and for the purpose of this article a food product shall also be deemed to be misbranded. * * *

3. If in package form and the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count, together with the name and address of the real manufacturer or jobber or other person responsible for placing the product upon the market: *Provided, however*, That reasonable variations as to the quantity of the contents of package shall be permitted, and tolerance and exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of section 7793.

Rev. Code, 1919, Vol. 2, ch. 9, Art. 10, p. 1981.

Sec. 7893 (a1913). Feeding stuffs to have net weight marked; weight of packages.—Any person who shall sell, offer or expose for sale or distribution in this State any concentrated commercial feeding product, shall furnish with each shipment, and shall affix to every package or parcel of such product, in a conspicuous place on the outside thereof, a legible and plainly printed statement in the English language, in type as large as ten point, clearly and truly certifying:

1. The net weight of the package: *Provided*, That all such products shall be in standard-weight bags or packages of twenty-five pounds or multiples thereof, or in bulk.
2. The name, brand or trade-mark of the product.
3. The name and principal address of the manufacturer or person responsible for placing the product on the market. * * *

Sec. 7897. Stock food to have net weight marked.—Every lot, parcel or package of medicinal stock food, sold, offered or exposed for sale or distribution within this State shall have affixed thereto a label in a conspicuous place on the outside thereof, containing a legible and plainly printed statement in black ink, in the English language, clearly and truly certifying:

1. The net weight of the package.
2. The name, brand or trade-mark of the product.
3. The name and principal address of the manufacturer or person responsible for placing the product on the market; * * *

Rev. Code, 1919, Vol. 2, Part 20, ch. 1, Art. 2, p. 2460.

Sec. 9581 (1915). State board of railroad commissioners; board provides rules for weighing.—The board of railroad commissioners shall have authority to prescribe and enforce reasonable rules and regulations for the weighing of cars and of freight offered for shipment in carload lots and of livestock at stockyard scales, and of hay, grain, wood, coal and like subjects of commerce when weighed in ton lots in this State. All track scales and all other scales in this State used by common carriers or by shippers for the purpose of weighing cars or freight offered for shipment in carload lots, and all stock scales at stockyards and all private, farm, and town and city scales used in weighing hay, grain, wood, coal and like subjects of commerce when weighed in ton lots shall be under the supervision and control of the board of railroad commissioners and be subject to inspection by such board.

Sec. 9582. Sealing devices required.—Whenever directed so to do by the board of railroad commissioners, any common carrier or shipper or other person owning or operating a scale under the jurisdiction of such board shall equip such scale with any sealing device considered by the board to be a proper and safe device to be used in the sealing of scales. Any person who shall change, break or tamper with any seal or sealing device after the same shall have been properly installed and inspected by any member of the board of railroad commissioners, or any inspector or authorized agent thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in a county jail not exceeding six months.

Sec. 9583, as amended by Laws, 1921, ch. 344, p. 458. Duty to inspect.—Whenever requested so to do by any common carrier or shipper, or by any other person owning or using a scale under the jurisdiction of such board, or whenever necessary or proper in the judgment of such board, it shall be the duty of such board, by any one or more of its members or by any authorized inspector or agent, to inspect and test any such scale: *Provided*, That such board shall not be obliged to inspect or test any farm scale, except upon request of the owner or some person using or about to use the same, and in such cases only under reasonable conditions, rules and regulations to be fixed and prescribed by the board; and for that purpose the board is authorized to provide itself with proper facilities, devices or assistants for making such inspections or tests. And whenever any scale shall be found to be incorrect, it shall be unlawful for the common carrier or shipper or other person owning or operating such scale to pemit [permit] the same to be used again until it shall have been reexamined and retested and found to be correct. If such scales are found to be incorrect and are condemned, upon the request of the owner of such scales or the persons in charge of the same it shall be the duty of the scale inspector or other person inspecting the same, with such competent assistance to be furnished by the owner of such scales or the person in charge of the same as may in the judgment of the said inspector or other person inspecting such scales be necessary, to repair the same immediately: *Provided*, That if the securing of necessary parts for the repair of such scales will occasion delay, such in-

spector or person inspecting the same shall perform the work of making such repairs with assistance to be furnished as aforesaid, as promptly as possible: *And, provided further*, That the board of railroad commissioners shall make and publish such reasonable rules and regulations for the inspection, testing and repairing of such scales as may be necessary and desirable and not inconsistent with the laws of this State, specifying therein among other things the extent and nature of the repairs which will in its judgment be practicable for its inspectors to make. In addition to the fee provided by law for the inspection of such scales, the owner or person in charge of such scales shall pay to the board of railroad commissioners one dollar ($1.00) per hour for the time devoted by the inspector or other person inspecting such scales, to the work of repairing the same. The owner or person in charge of scale being repaired shall furnish all materials needed in making the repairs. All moneys collected under the provisions of this section shall be, by the board of railroad commissioners, deposited with the State treasurer and by him kept in a separate fund and be expended only on vouchers approved by the board of railroad commissioners pursuant to the provisions of section 9757 of the Revised Code of 1919 of this State. Any person convicted of violating any provisions of this section shall be punished by a fine not exceeding $100 or by imprisonment in the county jail not exceeding thirty days for each offense.

Sec. 9584 (a1917). Fees.—The board of railroad commissioners shall fix a fee of two dollars for each inspection or test of such scales, to be paid by the person, partnership or corporation owning or operating the same. All money received by way of fees for such inspection shall be reported monthly to and deposited with the State treasurer, and by him credited to a fund designated as the "special scale inspection fund." Such fund shall be available for the purpose only of paying the expenses necessary in carrying out such inspections and shall be accumulative from year to year. The auditor shall issue warrants upon such fund, upon vouchers approved by the board of railroad commissioners, but such fund shall not come within the restrictions of any law of this State governing payment of expenses incurred in a previous year, it being intended that such special scale inspection fund shall be applied to the payment of any necessary costs or expenses in carrying out the provisions of this article relating to such inspections, whether incurred during the ensuing or previous fiscal years, and such special scale inspection fund and all accumulations thereof are hereby appropriated for the payment of the costs and expenses rendered necessary in carrying out such inspections.

Sec. 9585 (1915). Power to inspect at any time.—Any member, inspector or authorized agent of the board of railroad commissioners may at any time, without notice, enter the premises where any scale under the jurisdiction of the board may be, and may test and inspect the same. It shall be unlawful for any person to prevent or attempt to prevent or to interfere in any way with any member, inspector or authorized agent of such board entering such premises or making such inspection or test.

Sec. 9586. Violation; penalty.—Except as in this article otherwise provided, any person, partnership or corporation neglecting or re-

fusing to install a seal upon any scale under the jurisdiction of the board of railroad commissioners, after thirty days notice so to do, or permitting the use of any scale that shall have been tested and found incorrect before the same shall have been again tested and found to be correct; or preventing or attempting to prevent or in any way interfering with any member, inspector or authorized agent of the board of railroad commisisoners entering the premises where such scales may be kept, or inspecting or testing such scales, or knowingly failing or neglecting to observe any reasonable rule or regulation of the board of railroad commissioners relating thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars for each offense.

Rev. Code, 1919, Vol. 2, Part 20, ch. 2, Art. 3, p. 2510.

Sec. 9696 (1915). Track scales, privately owned.—Whenever any person engaged in business on the right of way or loading tracks at any station of any railroad company doing business in this State desires to construct, maintain and operate at his own cost and expense, a track scale for the weighing of inbound and outbound shipments of freight in carload lots, such person shall first file in the office of the board of railroad commissioners a petition setting forth in substance:

1. The name, place of residence, business and place of business of such petitioner.
2. The name of the station at which such track scale is desired to be constructed and operated.
3. The name of the railway on whose right of way it is desired that such track scale shall be constructed and operated.
4. The reasons, stated briefly and without unnecessary repetition, why it is desired to construct such track scale.
5. The place where such scale is desired to be constructed.
6. That the petitioner is ready, able and willing, and agrees to assume and pay all expenses in any wise incurred in the construction of such track scale and in the grading or building of any spur or sidetrack or right of way, and all expense in connection with the complete construction of such track scale, including any necessary changes in track, grade or right of way.

Sec. 9697. Notice of hearing on petition.—Upon the filing of such petition the board shall fix a time and place for hearing the petition and give at least thirty days' notice thereof to the railway company and to the petitioner interested.

Sec. 9698. Railroad track scales, may be constructed, when.—If, after such hearing, the board shall determine that there is a sufficient public demand and public necessity for the construction of such track scale, it shall, at the expense of the petitioner, procure complete plans and specifications for the construction of such track scale, and of any spur or side track, and any changes in the track or grade which may be necessary to properly install such track scale, including an estimate of the actual expenses necessarily to be incurred in completing the construction of the scale and equipping it so as to put it into operation, as well as the cost of any spur or side track and any changes in the track or grade which may be necessary to install said track scale, and shall serve a copy of such plans

and specifications and estimate upon the petitioner and the railroad company interested. Upon the service of such plans and specifications and estimate, it shall be the duty of the petitioner to pay over to the board of railroad commissioners the amount of money set down as the estimated cost and expenses of constructing such track scale, and any spur or side track and any changes in the track or grade necessary for the proper installation of such track scale, and thereupon it shall be the duty of the board of railroad commissioners to cause such track scale and spur or side track to be constructed in accordance with the plans and specifications and estimate provided therefor, and after such track scale is fully completed, to serve notice to that effect upon the petitioner and the railway company interested, and set a time and place for hearing any objections to the acceptance of the track scale as constructed. The board of railroad commissioners shall have authority to determine whether such scale has been substantially constructed according to the plans and specifications and is suitable to the requirements of the shippers at that station, and upon arriving at such determination shall pay over the cost of construction thereof to the person who constructed the same. The petitioner shall make good any deficiency between the estimated and actual cost of construction within thirty days from the acceptance of such scale. Any surplus remaining after paying the cost of construction of such scale shall be immediately returned to the petitioner. The expense of maintaining such scale shall be borne by the petitioner.

Sec. 9699. Capacity.—No such track scales shall be constructed in such a way as to in any manner interfere with the operation by the railroad company of its line of railway, and no scale shall be constructed of a size which will not permit of the weighing of an entirely detached car of a capacity of not to exceed one hundred thousand pounds.

Sec. 9700. Testing; construction.—Jurisdiction and authority shall be vested in the board of railroad commissioners to require the construction of track scales and to test and correct the same from time to time and to regulate the maintenance and operation thereof.

Sec. 9701. Not discontinued without consent of board.—No such track scale shall be discontinued without the consent of the board of railroad commissioners, entered at length upon the journal of its proceedings, and then only upon restoration of the right of way to its original state at the expense of the original petitioner or his successors in interest.

Rev. Code, 1919, Vol. 2, ch. 3, Art. 1, p. 2533.

Sec. 9746 (a1917). Duties of board.—It shall be the duty of the board of railroad commissioners to supervise the storage of grain and seeds, to establish all necessary rules and regulations for the management of the public warehouses of the State, as far as such rules and regulations may be necessary to enforce the provisions of this article, or any law of this State, in regard to the same; to investigate all complaints of fraud or oppression in the management of such warehouses and to correct the same as far as it may be in its power.

Sec. 9765, as amended by Laws, 1921, ch. 347, p. 460. Public warehouses; inspecting, testing and repairing scales used therein; penalty.—The board of railroad commissioners or any one or more members

thereof or any agent, employee, or scale inspector of the board may at any time without notice enter any public warehouse in this State and test and seal all weighing scales and measures used in conducting such warehouse business, and for that purpose the board is authorized to provide itself with standard weights and measures and such additional facilities and equipment, including motor vehicles or such other means of conveyance as in the judgment of the board may be necessary and suitable in carrying on the work of inspecting, testing and repairing scales in this State. If the person making such inspection shall find any scales in use in such public warehouse inaccurate, he shall condemn the same and attach thereto a card, notice, or other device indicating that the scales are condemned. It shall thereafter be unlawful for any person to remove, deface or destroy such card, notice or other device placed upon condemned scales, or to again use, or permit the use of such scales for any purpose, until the same shall have been repaired, retested and found to be correct, and until the board of railroad commissioners, or the person making the inspection, shall consent to the further use of such scales. If such scales are found to be incorrect and are condemned, upon the request of the owner of such scales or the person in charge of the same, it shall be the duty of the scale inspector or the person inspecting the same, with such competent assistance to be furnished by the owner of such scales or the person in charge of the same as may in the judgment of the said inspector or other person inspecting such scales be necessary, to repair the same immediately; provided, that if the securing of necessary parts for the repair of such scales will occasion delay, such inspector or person inspecting the same shall perform the work of making such repairs with assistance to be furnished as aforesaid, as promptly as possible; and, provided further, that the board of railroad commissioners shall make and publish reasonable rules and regulations for the inspection, testing and repairing of such scales as may be necessary and desirable and not inconsistent with the laws of this State, specifying therein among other things the extent and nature of the repairs which will in its judgment be practicable for its inspectors to make. In addition to the fee provided by law for the inspection of such scales, the owner or person in charge of such scales shall pay to the board of railroad commissioners one dollar ($1.00) per hour for the time devoted by the inspector or other person inspecting such scales, to the work of repairing the same. The owner or person in charge of scale being repaired shall furnish all materials needed in making the repairs. All moneys collected under the provisions of this section shall be, by the board of railroad commissioners deposited with the State treasurer and by him kept in a separate fund and be expended only on vouchers approved by the board of railroad commissioners pursuant to the provisions of section 9757 of the Revised Code of 1919 of this State. Any person convicted of violating any provision of this section shall be punished by a fine not exceeding $100.00 or by imprisonment in the county jail not exceeding thirty days for each offense.

Sec. 9767 (1909). Weighing of grain at warehouses.—Every person transacting the business of a public warehouse man in this State,

from whose warehouse or elevator grain shall be shipped to any terminal point at which such grain shall be weighed, inspected and graded by the officers of the State wherein such terminal point is situated, and certificates of such weighing, inspection and grading shall be issued by such officer, and every consignee of grain so shipped, shall transmit and deliver such certificates or true and correct copies thereof to the person having the immediate charge of the warehouse or elevator from which such grain was shipped, within ten days after the issuance of such certificates, and such certificates or copies shall be open to the inspection and examination of any person who has an ownership interest in such shipment. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty nor more than one hundred dollars for each and every offense. * * *

Rev. Code, 1919, Vol. 2, ch. 11, Art. 9, p. 1979.

Sec. 7884 (1907). Paint labels.—Every person who manufactures for sale or sells, within this State, any paint which is not accurately labeled as provided in this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five nor more than one hundred dollars or by imprisonment in the county jail not exceeding sixty days.

Sec. 7885. Paint defined.—The term "paint" as used in this article shall include white lead in linseed oil or any compound intended for the same use, paste or semipaste, and liquid or mixed paint ready for use.

Sec. 7886. Label contents.—The label required by this article shall be pasted or fastened on the outside of each container of paint, and shall have printed thereon, clearly and distinctly, the name and residence of the manufacturer of the paint, or of the distributor thereof, or of the person for whom the same is manufactured, and the quantity of paint contained in the container; * * *

Sec. 7887. Possession prima facie evidence.—The possession by any dealer of any paint not labeled as provided in the preceding section shall be prima facie evidence that the same is being kept in violation of this article.

Rev. Code, 1919, Vol. 2, Part 14, ch. 12, p. 1983.

Sec. 7916 (a1911). Babcock test.—* * * Whoever uses the Babcock test or any other test for determining the quantity of butterfat in milk or cream purchased, used or received shall so operate the same as to produce tests of clear oil free from any foreign substance, shall weigh the samples to be tested, shall correctly read the measurement of butterfat in such tests, and in all transactions concerning the purchase or receiving of any milk or cream to be tested shall use true and correct glassware and scales, and it shall be unlawful to report or use as a basis for settlement anything but the true and correct result as shown by such tests. * * *

Sec. 7918 (1909). Testing apparatus.—It shall be unlawful for anyone to use any inaccurate, incorrect, or false pipette, test bottle, scale or other apparatus in making tests of milk or cream to determine the quantity of butterfat contained therein.

Rev. Code, 1919, Vol. 2, Part 15, ch. 6, p. 2005.

Sec. 7992 (1917). Director may promulgate standards and grades.—After investigation and public hearings, with the approval of the governor and the Secretary of Agriculture of the United States, such director [of the department of marketing] may, from time to time, establish and promulgate standards for open and closed receptacles and the grading and classification of farm products, by which their quantity, quality or value may be determined; and prescribe and promulgate rules and regulations governing the marks, brands and labels which may be required upon receptacles for farm products, for the purpose of showing the name and address of the producer or packer, the quantity, nature and quality of the product, and for the purpose of preventing deception in reference thereto: *Provided*, That any standard for any farm product or receptacle therefor, or any requirement for marking receptacles for farm products, established under authority of the Congress of the United States, shall forthwith, as far as applicable, be established, prescribed and promulgated as the official standard or requirement in this State: *Provided, further*, That any such standard, rule or regulation shall become effective upon the expiration of sixty days after it shall have been signed by the director, approved by the governor, and published in at least one publication of two or more newspapers of general circulation in the territory affected thereby.

Sec. 7993. Products must conform to standard.—Whenever any standard for the grade or other classification of any farm product becomes effective under this chapter no person thereafter shall pack for sale, offer to sell or sell within this State any farm product to which such standard is applicable, unless it conforms to the standard, subject to such reasonable variations therefrom as may be allowed in the rules and regulations made under this chapter: *Provided*, That any farm product may be packed for sale, offered for sale or sold without conforming to the standard for grade or other classification applicable thereto, if it is specially described or plainly marked "Not graded."

Whenever any standard for an open or closed receptacle for a farm product shall be made effective under this chapter, no person shall pack for sale, sell or deliver any such farm product in a receptacle to which such standard is applicable, unless the receptacle conforms to the standard, subject to such variations therefrom as may be allowed in the rules and regulations made under this chapter or unless the receptacle be of a capacity 25 per cent less than the capacity of the minimum standard receptacle for the product: *Provided*, That any receptacle for such farm product of a capacity within 25 per cent of, or larger than the minimum standard receptacle for the product, may be used if it be specifically described as not a standard size, or be conspicuously marked with the phrase "Not standard size," in addition to any other marking which such director may prescribe for such receptacle under authority given him by this chapter.

Whenever any requirement for marking a receptacle for a farm product shall have been made effective under this chapter, no person shall sell and deliver in this State any such farm product in a receptacle to which such requirement is applicable, unless the receptacle be marked according to such requirement.

Sec. 8000. Rules and regulations.—Subject to the approval of the governor, such director shall have authority to make and promulgate such rules and regulations not inconsistent with the laws of this State, as may be necessary to carry out the provisions of this chapter. Such rules and regulations shall be made to conform as nearly as practicable to the rules and regulations [5] of the Secretary of Agriculture of the United States, prescribed under any act of Congress relating to the marketing of farm products.

Rev. Code, 1919, Vol. 1, ch. 1, p. 7.

Sec. 30 (1909). Standard of time.—That whenever the term "twelve o'clock," "noon," or other designation of time shall occur in any legislative bill, resolution or statute, city ordinance, court record, deed, insurance policy or other contract, or other legal instrument, record, or proceedings, unless otherwise expressly stipulated in writing, the time understood shall be, for Gregory County and for portions of the same east of the center of the main channel of the Missouri River, central standard time, or the mean solar time of ninety degrees west of Greenwich; and for other portions of the State, mountain standard time, or the mean solar time of one hundred and five degrees west of Greenwich.

Rev. Code, 1919, Vol. 2, ch. 2, p. 2058.

Sec. 8244 (1907). Units of measurement for water; miner's inch.—The standard of measurement of the flow of water shall be the cubic foot per second of time; and the standard of measurement of the volume of water shall be the acre foot, being the amount of water upon an acre covered one foot deep, equivalent to forty-three thousand five hundred and sixty cubic feet. The miner's inch shall be regarded as one-fiftieth of a cubic foot per second in all cases, except when some other equivalent of the cubic foot per second has been specially stated by the contract or has been established by actual measurement or use.

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[5] See p. 32.

TENNESSEE

Ann. Code, 1917, Shannon, Vol. 1, ch. 2, Art. VIII, p. 174.

Sec. 305–a1 (1913). Standards for State, counties, and cities defined.—The weights and measures received from the United States, under a resolution of Congress, approved June 14, 1836, and additions thereto and renewals thereof, certified by the United States Bureau of Standards, and such other weights, measures, balances, and apparatus as are now the property of the State or may be hereafter added by the State sealer of weights and measures, hereinafter provided for, which are in conformity therewith and certified by the National Bureau of Standards, shall be the State standards by which all State, county, and municipal standards of weights and measures shall be tried, proved, and sealed.

Sec. 305–a2. State superintendent; general duties; custody of standards.—The State pure food and drug inspector shall be, and is, hereby made ex-officio the State superintendent of weights and measures, hereinafter referred to as the State superintendent. He shall have and keep a general supervision of the weights, measures, weighing devices, and measuring devices offered for sale, sold, or used within the State; shall enforce all laws regarding them; and shall, in conjunction with the State sealer of weights and measures hereinafter provided for, have the care and custody of all weights, measures, balances, and other apparatus mentioned in the preceding section.

Sec. 305–a3. Assistant sealers, and their powers.—He and the duly appointed assistant and deputy pure food and drug inspectors under him are hereby made assistant sealers, and shall have the same power and authority as the county and city sealers hereinafter provided for.

Sec. 305–a4. Weights, measures, balances, and apparatus to be proved.—The State superintendent shall procure at the expense of the State, the necesary working sets of weights, measures, balances, and apparatus for the use of said inspectors, and shall cause same to be tried and proved by the State sealer.

Sec. 305–a5. Weights, etc., when sealed, shall be competent evidence.—Such weights, measures, balances, and other apparatus provided for such inspectors, when sealed by the State sealer, shall be competent evidence in all the courts of the State in criminal or civil actions.

Sec. 305–a6. Inspection once in two years; annual report to governor.—The State superintendent, or his deputies or assistants, by his direction, shall at least once in two years visit the various cities and counties of the State in order to inspect the work of the county and city sealers hereinafter provided for; and in the performance of such duties he or they may inspect the weights, measures, balances, or any other weighing or measuring apparatus of any person, firm, or corporation, and shall have the same power as said county and city sealers of weights and measures. The State superintendent shall

likewise annually, during the first two weeks in January, make to the governor a report of the work done by his office.

Sec. 305–a7. State sealer; custody of standards, etc.; receipt from successor.—The president of the University of Tennessee shall be, and the same is, hereby made ex-officio State sealer of weights and measures, hereinafter referred to as the State sealer. He shall, in conjunction with the State superintendent, have the care and custody of all standard weights, measures, balances, and other apparatus mentioned in Section 305a1; shall cause them to be kept in a suitable building belonging to the University of Tennessee, from which they shall not be removed except for repairs or for certification; and shall take all other necessary precautions for their safe keeping. He shall keep complete records of the standards, balances, and other apparatus belonging to the State, and take receipt for same from his successor.

Sec. 305–a8. State sealer to procure certification of standards; sealing of weights and measures; sealing city and county standards.—He shall maintain the State standards in good order, and shall, in conjunction with the State superintendent, submit them, on passage of this act, and thereafter at least once in ten years, to the National Bureau of Standards for certification. He shall keep a seal, which shall be so formed as to impress the letters " T. N. " and the last two figures of the year in which comparison has been made, upon all weights, measures, and balances sealed by him; and he, or his deputies, by his direction, shall correct the standards of the several cities and counties when submitted to him by comparing the same with those in his possession, and shall seal the same when tried and proved to be in conformity with the State standards.

Sec. 305–a9. State sealer shall test standards at request of individuals, etc.; fees therefor go into State treasury.—He shall, further, upon the written request of any citizen, firm, corporation, or educational institution of the State, in person or by his deputies, test or calibrate weights, measures, weighing devices, or measuring devices and instruments and apparatus used for standards in the State, and for such testing for citizens, firms, or corporations may collect fees to be fixed by the State superintendent and State sealer. Fees so collected shall be turned over to the State treasurer for the use of the State.

Sec. 305–a10. State sealer shall test standards, etc., at request of State superintendent.—He shall, at the request of the State superintendent, test and seal, when found correct, all measures, weights, balances, weighing devices, or measuring devices for the use of the State superintendent and his deputy or assistant inspectors.

Sec. 305–a11. Rules and regulations.—He shall likewise, in conjunction with the State superintendent, establish rules and regulations for the enforcement of this article and for the guidance of all city and county sealers, and these regulations shall govern the procedure to be followed by said officials in the discharge of their duties.

Sec. 305–a12. Deputy State sealer.—He may appoint a deputy State sealer, who shall be a member of the faculty of the University of Tennessee, and who shall not receive any additional compensation for his services.

Sec. 305–a13. Report to governor.—He shall likewise annually, during the first two weeks in January, make to the governor a report of the work done by his office.

Sec. 305–a14. Test for State institutions; report; special deputies for such institutions.—The State superintendent, or his deputies or inspectors, by his direction, shall at least once annually test all scales, weights, and measures used in checking the receipt or disbursement of supplies in each institution under the direction and ownership of the State, and shall report in writing his findings to the board having such institution under its control, or to the executive officer of the institution concerned; and at the written request of such board or officer, the State superintendent shall appoint in writing one or more employees then in actual service of such institution, who shall act as special deputies for the purpose of checking the receipt or disbursement of supplies.

Sec. 305–a15. County sealer and deputies; appointment; term; salary; no fees.—Any county may establish a department of inspection of weights and measures, and shall have power to appoint a sealer and deputies. Such sealer (and deputies if provided for) shall be appointed by the county court for a term of five years, and shall be paid a salary to be determined by the county court, said county sealer's salary to be not less than six hundred dollars per annum, and no fee shall be charged by him or by the county for the inspection, testing, or sealing of weights, measures, or weighing or measuring devices.

Sec. 305–a16. County sealer's power of inspection of weights, etc., for sale and for weighing, etc.—When not otherwise provided by law, the county sealer shall have the power within his county to inspect, try, and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments, or mechanical devices for measuring, and tools, appliances, or accessories connected with any and all such instruments or measures kept, offered, or exposed for sale, sold, or used or employed within the county by any person in proving the size, quantities, things, produce, articles for distribution or consumption offered or submitted for sale, hire, or reward.

Sec. 305–a17. County sealers may weigh, etc., packages for sale or sold, etc.—He shall have the power to, and shall from time to time weigh or measure, packages or amounts of commodities of any kind kept with intent to sell, sold, or in the process of delivery, in order to determine whether same contain the amounts represented, or are sold in a manner in accordance with law.

Sec. 305–a18. County sealer shall test weights, etc., when; power of entry, etc.—He shall at least once in each year, and as much oftener as he may deem necessary, see that the weights, measures, and all apparatus used in the county are correct, and may for this purpose and in the general performance of his official duties enter and go into or upon and without formal warrant any place, building, or premises, or stop any vendor, peddler, junk dealer, or any dealer whatsoever, and require him, if necessary, to proceed to some place which the sealer may specify for the purpose of making proper tests.

Sec. 305–a19. County sealer to prosecute violators of law.—Whenever he finds a violation of any statute relating to weights and measures, he shall cause the violator to be prosecuted.

Sec. 305–a20. Correct weights, etc., to be sealed.—Whenever the county sealer compares weights, measures, weighing devices, or measuring devices, and finds that they correspond or causes them

to correspond with the standards in his possession, he shall seal or mark such weights, measures, weighing devices or measuring devices with a seal to be approved by the State superintendent.

Sec. 305–a21. Incorrect weights, etc., to be destroyed or condemned for repairs.—He shall condemn and seize and may destroy incorrect weights, measures, weighing devices, or measuring devices which, in his best judgment, are not susceptible of satisfactory repair; but such as are incorrect and yet may be repaired he shall mark or tag as "Condemned for Repairs" in a manner prescribed by the State superintendent.

Sec. 305–a22. Weights, etc., condemned for repairs must be repaired, when, or be confiscated.—The owners or users of apparatus so condemned shall have same corrected or repaired within ten days, and may neither use nor dispose of same in any manner without permission from the county sealer. Any apparatus which has been "condemned for repairs" and has not been repaired as required above shall be confiscated by the sealer.

Sec. 305–a23. County sealer to record official acts and report to county court and State superintendent.—The county sealer shall keep a complete record of all of his official acts, and shall make an annual report to the county court, and an annual report, duly sworn to, on the first day of December of each year to the State superintendent, on blanks to be furnished by the superintendent.

Sec. 305–a24. County to provide sealer with suitable quarters and standards.—When a county shall establish such a department of weights and measures, it shall provide the sealer with suitable quarters, a set of standards to be approved by the State sealer and State superintendent and all other equipment for the proper performance of his duties.

Sec. 305–a25. County standards to be proved and sealed, and verified, when.—All county standards shall be tried, proved, and sealed under the direction of the State sealer, and shall be returned to him for verification at least once in every five years.

Sec. 305–a26. Combination by counties and power of sealer of combined counties.—Nothing in the above shall be construed to prevent two or more counties combining the whole or any part of their districts, as may be agreed upon by the county courts thereof, with one set of standards and one sealer, upon the written consent of the State superintendent. A sealer appointed in pursuance of any agreement for such combination shall, subject to the terms of his appointment, have the same authority, jurisdiction, and duties as if he had been appointed by each of the parties to the agreement.

Sec. 305–a27. City sealer and deputies; ordinances; suitable quarters and standards.—Any city or municipality in the State may establish a department of inspection of weights and measures, and shall have power to appoint a sealer and deputies and fix their compensation, and pass such ordinances, not in conflict with the State laws as may be deemed necessary; and if a city or municipality shall establish such a department, it shall provide the sealer with suitable quarters and a set of standards to be approved by the State sealer and State superintendent, and all other equipment for the proper performance of his duties.

Sec. 305–a28. City standards to be proved, and sealed, verified, when.—All city and municipal standards shall be tried, proved and sealed under the direction of the State sealer, and shall be returned to him for verification at least once in every five years.

Sec. 305–a29. City sealer's duties and powers.—The city sealer shall perform in such city the duties and have like powers as the county sealer in the county.

Sec. 305–a30. If no city sealer, county sealer acts.—In those cities in which no sealer is appointed the county sealer of the county shall perform in said cities the duties and have like powers as in the county.

Sec. 305–a31. Combination by county and city.—Nothing in the above shall be construed to prevent any county and any city situated therein from combining the whole or any part of their districts, as may be agreed upon, with one sealer, subject to the written approval of the State superintendent.

Sec. 305–a32. Powers and duties of combination county and city sealer.—A sealer appointed in such agreement or combination shall, subject to the terms of his appointment, have the same authority, jurisdiction, and duties as if he had been appointed by each of the parties to the agreement.

Sec. 305–a33. Misdemeanor to seal or condemn weights, etc., before test; removal from office.—Any State, county, or city sealer, or deputy or assistant sealer, who shall seal any weight, measure, or balance, weighing device, or measuring device, before testing and making the same to conform to the authorized standards or who shall condemn, seize, or destroy any weight, measure, or balance, or weighing device, or measuring device, without first testing the same, shall be deemed guilty of a misdemeanor and upon conviction thereof be subject to a fine of not less than $25.00 nor more than $100.00, and shall be forthwith removed from office by the State superintendent or other person or persons having authority to make such removal.

Sec. 305–a34. Said officers are special policemen, and may arrest violators, and seize weights, etc., of commodities, as evidence.—The State superintendent, his deputies and inspectors, the State sealer, and the county and city sealers of weights and measures are hereby made special policemen, and are authorized and empowered to arrest, without formal warrant, any violator of any statute in relation to weights and measures, and to seize for use as evidence, and without formal warrant, any false or unsealed weight, measure, weighing device, or measuring device, or packages or amounts of commodities, offered or exposed for sale or sold in violation of law.

Sec. 305–a35. Misdemeanor to interfere with said officers, or to fail to produce weights, etc.; punishment.—Any person who shall hinder, obstruct, or interfere in any way with the State superintendent, State sealer, any deputy or assistant State sealer, or any county or city sealer while in the performance of his official duties, or who shall fail to produce, upon demand by any authorized sealer or inspector of weights and measures, any weights, measures, balances, weighing devices or measuring devices in or upon his premises, place of business, or in his possession for use in manufacture or trade, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than $10.00 nor more than

$50.00, or to imprisonment for not more than ninety days, or to both such fine and imprisonment.

Sec. 305–a36. Appropriations.—For the purpose of correcting, supplementing, and unifying the standards now owned by the State, as directed in sections 305–a7 to 305–a10, the sum of $600.00, or so much thereof as may be necessary, is hereby appropriated; for the purpose of caring for said standards the sum of $200.00 per annum, or so much thereof as may be necessary, is hereby appropriated; for the purpose of carrying out the provisions of this article the sum of $1,000.00 per annum, or as much thereof as may be necessary, is hereby appropriated. Said sum shall be paid out of the State treasury on sworn vouchers of the State superintendent, approved by the governor.

Sec. 305–a37. State superintendent and sealer shall jointly fix variations, and give publicity thereto.—The State superintendent of weights and measures and the State sealer of weights and measures shall jointly fix and determine reasonable variations for all classes of commodities; and they shall give the reasonable variations so established all possible publicity through the public press and through bulletins of their offices.

Laws, 1921, ch. 125, p. 341.

Sec. 1. Sale of dry commodities by weight.—That it shall be unlawful for any person, firm or corporation in this State to sell or offer for sale any food commodity by dry capacity measure, shall hereafter be sold by weight only: *Provided, however*, That this act shall not be construed to prohibit the sale of dry food commodities in terms of the denominations of dry measure when such articles are weighed and sold in accordance with standards fixed by chapter 240, act of 1887 [sec. 3475], entitled "An act to establish and define a uniform standard of weights and measures in the State of Tennessee." And provided further this shall not apply to dry food commodities shipped into the State when sold in the original package.

Sec. 2. Enforcement of act; rules and regulations.—That the State superintendent of weights and measures, his duly authorized assistants and deputies and all county and city sealers of weights and measures, are hereby charged with the enforcement of this act, and the said superintendent of weights and measures, and the State sealer of weights and measures, are hereby authorized and empowered jointly to make all reasonable rules and regulations necessary for the enforcement of this act.

Sec. 3. Penalty.—That any person, firm or corporation, who shall violate any of the provisions of this act or the reasonable rules and regulations made in pursuance thereto, shall be deemed guilty of a misdemeanor and upon the conviction thereof shall be fined not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) for each offense.

Ann. Code, 1917, Shannon, Vol. 3, ch. 2§, p. 2832.

Sec. 3475 (a1905). Table of weights and measures; legal weights of barrels or bushels of various products; legal weights per barrel or bushel of various products.—The following shall be the legal and uniform standard [1] of weights and measures in this State for the sale and

[1] See ch. 125, Laws, 1921, above.

purchase of the following named products of the farm, orchard, and garden, and articles of merchandise, to wit:[2]

Apples, green	bush. per bbl.[3]	2½
Do	lbs. per bush	50
Apples, dried	do	24
Apple seed	do	40
Barley	do	48
Beans, dried	do	60
Beans, green, in pods	do	30
Do	bush. per bbl	2½
Beans, castor	lbs. per bush	46
Beef, net	lbs. per bbl	200
Beets	lbs. per bush	50
Blackberries	do	48
Blackberries, dried	do	28
Blue grass seed	do	14
Bran	do	20
Broom corn seed	do	42
Buckwheat	do	50
Cabbage	do	50
Canary seed	do	60
Carrots	do	50
Cement	do	80
Charcoal	do	22
Cherries, with stems	do	56
Cherries, without stems	do	64
Chestnuts	do	50
Clover seed, red and white	lbs. per bush	60
Coal, stone	do	80
Coke	do	40
Corn, shelled	do	56
Corn in the ear, shucked	do	70
Corn, in the ear, with shucks	lbs. per bush	74
Corn, green, with shucks	do	100
Do	bush. per bbl	2½
Corn, matured, with shucks	bush. per bbl	5
Corn, pop	lbs. per bush	70
Corn meal, unbolted	do	48
Corn meal, bolted	do	48
Cottonseed	do	28
Cucumbers	do	48
Fish	lbs. per bbl	200
Flaxseed	lbs. per bush	56
Flour	lbs. per bbl	196
Gooseberries	lbs. per bush	48
Grapes, with stems	do	48
Grapes, without stems	lbs. per bush	60
Hair, plastering	do	8
Hempseed	do	44
Hickory nuts	do	50
Hominy	do	62
Horse-radish	do	50
Hungarian seed	do	48
Land plaster	lbs. per bush	100
Lime, unslaked	do	80
Lime, slaked	do	40
Liquids	gals. per bbl	42
Melon, cantaloupe	lbs. per bush	50
Melon, cantaloupe	bush. per bbl	2½
Millet, German, seed	lbs. per bush	50
Millet, Missouri	do	50
Millet, Tennessee	do	50
Oats seed	do	32
Onions, button sets	do	32
Onions, matured	do	56
Onions, top buttons	do	28
Orchard grass seed	do	14
Osage orange seed	do	33
Parsnips	do	50
Peaches, matured	do	50
Peaches, dried	do	26
Pears, matured	do	56
Pears, dry	do	26
Peanuts	do	23
Peas, dry	do	60
Peas, green, in hull	do	30
Peas, green, in hull	bush. per bbl	2½
Pieplant	lbs. per bush	50
Plums	do	64
Pork, net	lbs. per bbl	200
Potatoes, Irish	lbs. per bush	60
Potatoes, Irish	bush. per bbl	2½
Potatoes, sweet	do	2½
Potatoes, sweet	lbs. per bush	50
Quinces, matured	do	48
Raspberries	do	48
Redrop seed	do	14
Rye seed	do	56
Rye grass (Italian) seed	do	20
Sage	do	4
Salads, turnips, kale	do	30
Salads, mustard, spinach	do	30
Salt	do	50
Sorghum molasses	lbs. per gal	12
Sorghum seed	lbs. per bush	50
Strawberries	do	48
Timothy seed	do	45
Tomatoes	do	56
Turnips	bush. per bbl	2½
Turnips	lbs. per bush	50
Velvet grass seed	do	7
Walnuts	do	50
Wheat	do	60

Sec. 3476 (1895). Violation a misdemeanor; penalty.—It shall be unlawful to buy or sell any of the products of the farm, orchard, or garden, or articles of merchandise, mentioned in section 3475, except in strict accordance with the standard of weights and measures pro-

[2] For convenience in printing, a slight change has been made in arrangement of these articles.

[3] See footnote, p. 20, relative to the Federal standard barrel.

vided therein; and it shall be unlawful to dock any of the articles mentioned in said section, delivered in good condition and marketable form, on account of keg or barrel, without allowing value of same. Any person violating this section, or any part thereof, shall be guilty of a misdemeanor, and shall be fined not less than five dollars nor more than fifty dollars for each offense.

Sec. 3476–a1. (1905). Standard bushel of corn meal.—The standard weight of a bushel of corn meal, whether bolted or unbolted, shall be forty-eight pounds.

Sec. 3476–a2. Corn meal sold in bags showing what; unlawful to sell otherwise.—It shall be unlawful for any person or persons to pack for sale, sell, or offer for sale in this State any corn meal, except in bags or packages containing by standard weight two bushels or one bushel or one-half bushel or one-fourth bushel or one-eighth bushel, respectively. Each bag or package of corn meal shall have plainly printed or marked thereon, whether the meal is "bolted" or "unbolted," the amount it contains in bushels or fraction of a bushel, and the weight in pounds: *Provided*, The provisions of this section shall not apply to the retailing of meal direct to customers from bulk stock when priced and delivered by actual weight or measure.

Sec. 3476–a3. Violation of last two sections is a misdemeanor.—Any person or persons guilty of violating either of the last two sections shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine of not exceeding one hundred dollars or by imprisonment not exceeding thirty days, or by both fine and imprisonment in the discretion of the court.

Sec. 3476–a4 (1899). Standard half-bushel measure.—It shall be unlawful for any person, commission merchant, miller, dealer, grain inspector, corporation, company, firm, or association, either by himself, itself, officer, agent, or employee, when purchasing wheat from the owner, his agent, or employee, to use for the purpose of testing or determining the weight, grade, milling, or market value of wheat, any measure other than the standard half bushel measure furnished this State by the United States; and the use of any fractional part of said standard half bushel measure for such purpose will be a violation of this section.

Sec. 3476–a5. Leveling stick.—It shall be unlawful to use anything other than a straight stick, with the edges square, for leveling the wheat in said half bushel measure for the purpose of testing the weight, grade, milling, or market value of wheat.

Sec. 3476–a6. Penalty.—Any person violating the provisions of the last two sections shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten dollars nor more than fifty dollars for each offense.

Sec. 3477 (1857–58). Apparatus to be proved and sealed yearly.—Every person keeping any store, grocery, warehouse, merchant mill, commission house, railroad depot, or any scales or apparatus for weighing or measuring for the public, shall, once in each year, have the weights, measures, and other apparatus used by him proved and sealed.

Sec. 3478. Penalty for neglect.—For every neglect to comply with this provision, the delinquent shall be liable to a penalty of five dollars, to be recovered before a justice of the peace, one-half to the

use of the town or county, the other half to the person who sues therefor.

Sec. 3479. Unsealed apparatus prohibited.—Every person not enumerated in section 3477, who shall use weights, measures, or other apparatus, in buying or selling, which have not been once sealed as required by law, shall be subject to a penalty of one dollar and costs, recoverable as above.

Sec. 3480. Treble damages and costs.—If any person use such weights, measures, and apparatus which have not been sealed according to law, or which have been altered after being sealed, whereby any person shall be defrauded, he shall be subject to an action at law, in which the person defrauded shall recover three times the amount of damages and costs.

Sec. 3481°. Surveyor's chains.—Every surveyor shall have the chains or other measures used by him in conformity with the standard.

Sec. 3482. Metric system legalized.—It shall be lawful throughout the United States of America to employ the weights and measures of the metric system, and no contract or dealing or pleading in any court shall be deemed invalid or liable to objection because the weights or measures expressed or referred to therein are weights or measures of the metric system.

Sec. 3483. Tables of weights and measures.—The tables in the schedule hereto annexed shall be recognized in the construction of contracts, and in all legal proceedings, as establishing, in terms of the weights and measures now in use in the United States, the equivalent of the weights and measures expressed therein in terms of the metric system; and said tables may be lawfully used for computing, determining, and expressing, in customary weights and measures, the weights and measures of the metric system.[4]

Sec. 3484. Metric system furnished States.—The Secretary of the Treasury shall furnish each State, to be delivered to the governor thereof, one set of the standard weights and measures of the metric system for the use of the States respectively.

Ann. Code, 1917, Shannon, Vol. 5, ch. 6, Art. 2, p. 6111.

Sec. 6734 (1741). False balance, weight, or measure.—If any person, with intent to defraud, have in his possession, or use, any false balance, weight, or measure in any business, trade, or transaction, it shall be a misdemeanor.

Sec. 6735. Forfeited.—The magistrate granting the warrant of arrest for the offense described in the last section, shall also direct the seizure of the false weights, balances, or measures; and if they are found to be false, they shall be forfeited to the county, and, after being made of the standard weight or measure, may be sold and the money paid into the county treasury.

Sec. 6735–a1 (1913). Misdemeanor to sell, use, or possess false, unsealed, or condemned weights and measures or devises.—Any person who, by himself or by his servant or agent, or as the servant or agent of another, shall offer or expose for sale, sell or retain in his possession, a false weight or measure or weighing or measuring device or any

[4] Here followed the tables of the metric system with the equivalents in denominations in use at present. See United States laws, p. 8.

weight, measure, weighing device, or measuring device which has not been sealed by a State, county, or city sealer of weights and measures, within one year, or use same in the buying or selling of any commodity or thing or for hire or reward, or shall dispose of any condemned weight, measure, weighing device, or measuring device, contrary to law, or remove any tag placed thereon by any sealer of weights and measures; or shall, by himself or by his servant or agent, or as the servant or agent of another, offer or expose for sale, or have in his possession for the purpose of selling, any device or instrument to be used to or calculated to falsify any weight or measure, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than $10 nor more than $50 for the first offense, and for subsequent offenses by a fine of not less than $50 nor more than $100, or by imprisonment in the county jail for not more than ninety days, or by both such fines and imprisonment.

Sec. 6735–a2. Sale by false weight, measure, or numerical count is a misdemeanor; variations to be fixed and allowed.—Any person who, by himself or by his servant or agent, shall sell, offer, or expose for sale any quantity of any commodity which is by weight, measure, or numerical count less than the quantity which he represents same to be, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than $10 nor more than $50 for the first offense, and for subsequent offenses not less than $50 nor more than $100, or shall be imprisoned in the county jail not more than ninety days, or both such fine and imprisonment: *Provided*, That the State superintendent of weights and measures and the State sealer of weights and measures shall jointly fix and determine reasonable variations for all classes of commodities; and no penalties for violation of this section shall be imposed when the variation in weight, measure, or numerical count does not exceed the reasonable variation so fixed: *Provided further*, That the said State superintendent and State sealer shall give the reasonable variations so established all possible publicity through the public press and through bulletins of their offices.

Sec. 6735–a3. Inquisitional power; special charge.—The grand juries of the several counties of the State shall have inquisitorial power over said offenses, and the judges of the several criminal courts and circuit courts having criminal jurisdiction shall especially charge this law to the grand juries of the several counties of the State.

Sec. 6735–a4 (1909). Weight falsely marked.—It shall be unlawful for any merchant or manufacturer or any person to sell within this State any package or quantity of any commodity marked to contain or represented to contain a certain number of pounds or ounces or fractions thereof when, as a matter of fact, it contains a less quantity.

Sec. 6735–a5. Tolerance; penalty for violation.—Every violation of the preceding section, where the shortage in weight is as much as one per cent of the marked or represented weight, is declared to be and shall be a misdemeanor, and shall be punished by fine of not less than ten dollars nor more than five hundred dollars or by

imprisonment in the county workhouse for not more than six months or by both in the discretion of the court.

Sec. 6736°. Misdemeanor to alter brands.—It shall be a misdemeanor:

(1) For any person with intent to defraud, falsely to alter any stamp, brand, or mark on any cask, package, box, or bale containing merchandise or produce, made by a public officer appointed for that purpose, in order to denote the quality, weight, or quantity of the contents thereof. * * *

Ann. Code, 1917, Shannon, Vol. 5, ch. 3, p. 5669.

Sec. 6045 (1827). Appropriation.—The county court may appropriate money as follows:

(14) For weights and measures.

Ann. Code, 1917, Shannon, Vol. 3, ch. 11, p. 2769.

Sec. 3370 (1801). Coopers, restriction on.—No cooper or other person furnishing casks shall expose to sale any barrel or half barrel for holding butter, lard, flour, or kiln-dried meal, but such as are herein directed to be made for that use.

Sec. 3371. Casks, specifications for.—All casks intended for the purpose of containing butter or lard for exportation shall be made of well-seasoned timber, the staves not less than half an inch thick, and the heads not less than three-quarters of an inch thick when wrought, the heading well dowelled, the cask to have twelve good and substantial hoops, securely nailed or pinned, and to be perfectly tight, and capable of holding said articles in a liquid state.

Sec. 3372. Barrel and half barrel.—Each barrel shall contain not more than thirty gallons, and each half barrel fifteen gallons.

Sec. 3373 (1859–60). Flour barrel, how to be made.—Casks intended to contain flour or meal for exportation shall be made of good seasoned materials, tightened with ten hoops, sufficiently nailed with four nails in each chime hoop, and three nails in each bilge hoop, and shall be of the following dimensions: The staves of the barrel shall be twenty-seven inches long, and the head seventeen inches in diameter; and the half barrel shall be one-half the capacity of the barrel.

Ann. Code, 1917, Shannon, Vol. 3, ch. 12, p. 2770.

Sec. 3374 (1801). Contents of flour barrel.—Every packer of flour or kiln-dried meal shall put into a barrel the full quantity of one hundred and ninety-six pounds of flour, and into every half barrel the full quantity of ninety-eight pounds of flour.

Sec. 3378–a1 (1903). Barrels and packages to be well made, and branded, how.—All flour, grits, or corn meal packed in barrels or half barrels, made of any material, or any packages made of wood or metal in which flour, grits, or corn meal are offered for sale, shall be well made and of good material, and shall have the net weight of flour plainly marked on the head, top, or side of the barrel or package with a stencil or paper label or pencil, with letters and figures not less than one inch in length, and the tare marked on the reverse end or side of the barrel or package in like manner.

Sec. 3378–a2. Weights in barrels and sacks to be branded.—Every miller, bolter, blender, or mixer, or other person who manufactures

or who buys flour, grits, or corn meal for the purpose of repacking, shall put into each barrel the full quantity and weight of one hundred and ninety-six pounds of flour, grits, or corn meal, and shall put into each half barrel the quantity and weight of ninety-eight pounds of flour, grits, or corn meal. When flour, grits, or corn meal is packed in sacks, the gross weight shall be as follows: Half-barrel sacks, 96 pounds; quarter-barrel sacks, 48 pounds; eighth-barrel sacks, 24 pounds; sixteenth-barrel sacks, 12 pounds; thirty-second-barrel sacks, 6 pounds; and may be packed in any other size package, but whatever the size of the package, the gross weight of each package shall be stamped, stenciled, or printed on each package.

Sec. 3378–a3. Variations allowed.—From the weights above specified, variations from inaccuracies will be allowed as follows: On all packages weighing 90 pounds or over, an allowance of one-fourth of 1 per cent, and on all packages smaller than 90 pounds, an allowance of one-half of 1 per cent less than the weight specified in section 3378–a2.

Sec. 3378–a4. Violation is a misdemeanor; fine.—Any violation of sections 3368–a1 to 3378–a3 shall be a misdeameanor; and, upon conviction, the offender shall be fined not less than fifty dollars nor more than five hundred dollars.

Sec. 3378–a5. Weight of stock food to be marked on sack or package.—It shall be unlawful for any corporation, firm, or person, to pack for sale, sell, or offer for sale in this State any stock food without plainly marking upon the sack or package in letters and figures not less than two inches in size, the actual weight of each sack of package of such food.

Ann. Code, 1917, Shannon, Vol. 3, ch. 13, p. 2772.

Sec. 3385 (1870–71). Tobacco scales, and inspection thereof.—The proprietor [of tobacco warehouses] shall keep good and sufficient scales for weighing tobacco, which shall be tested at the beginning of each tobacco year, and every three months thereafter, by the keeper and sealer of weights for the county, and at the time when written application is made by two or more planters or burghers.

Ann. Code, 1917, Shannon, Vol. 3, ch. 14, p. 2791.

Sec. 3452 (1777). Measures.—Millers shall keep in their mills the following sealed measures: One half bushel, one peck, and proper toll dishes for each measure.

Sec. 3453. False toll dishes.—Every owner keeping a mill, either by himself, servant, or lessee, who shall be convicted of keeping false toll dishes, shall forfeit and pay to the party injured ten dollars, to be recovered before any justice of the peace of the county.

Ann. Code, 1917, Shannon, Vol. 3, ch. 16, p. 2798.

Sec. 3465 (1839–40). Salt and sugar, selling by marks.—Any person selling salt or sugar by the barrel, sack, or bag, purporting by the marks or brands to contain a certain number of pounds or bushels, when in fact the quantity falls short of the amount designated, shall forfeit ten cents for each and every pound or deficiency, to any person who will sue therefor; but nothing in this section shall be construed to prevent the sale of salt or sugar by the mark or brand, if the purchaser is willing to buy by such mark or brand.

Ann. Code, 1917, Shannon, Vol. 3, ch. 22, p. 2812.

Sec. 3473–a29 (a1913).—For the purpose of this chapter, an article shall be deemed to be misbranded: * * *

In case of food: * * *

3. If in package form, the quantity of the contents be not conspicuously, plainly, and correctly marked on the outside of the package in terms of weight, measure, or numerical count: *Provided*, That reasonable variation shall be permitted, and tolerances and also exemptions as to small packages shall be established by rules and regulations to be promulgated by the State pure food and drug inspector: *Provided, further*, That said tolerances and exemptions as to small packages shall be made uniform with like tolerances and exemptions established by the United States Department of Agriculture whenever said department shall establish same: *And provided, further*, That no penalty of fine or imprisonment for violation of this subsection shall be imposed for goods packed prior to September 25, 1914.

Ann. Code, 1917, Shannon, Vol. 3, ch. 27, p. 2837.

Sec. 3485 (1883). Tobacco and cotton weighers; manner of election.—The county court of any county in the State (a majority of its members favoring the same) may, on the first Monday of July of every year, elect cotton and tobacco weighers for such county, whose duty it shall be to weigh all cotton and tobacco that parties may agree to have weighed by him. The said election shall be by ballot, and the party getting the highest number (provided it be a majority of the votes cast), shall be declared elected.

Sec. 3486. Equipment.—Before entering upon the duties of his office, said cotton and tobacco weigher shall provide himself with balances or scales, duly tested according to the laws of Tennessee, and shall take an oath faithfully and impartially to discharge the duties of said office, and shall give bond in such penalty as the court may prescribe, conditioned as set forth in said affidavit, and said officer shall hold his office twelve months, or until his successor is elected and qualified.

Sec. 3487. Exact weights.—It shall be the duty of said cotton and tobacco weighers to give and declare exact and just weights, regardless of the condition of the cotton and tobacco.

Sec. 3488. Penalty for violation.—Any cotton weigher elected according to the provisions of this chapter, who shall give or declare any unjust weights, or who shall wilfully violate the previous sections of this chapter, shall be guilty of a felony, and, upon conviction of the same, shall be confined in the State penitentiary not less than one nor more than three years.

Sec. 3489. Compensation.—The court may prescribe the compensation for said cotton and tobacco weigher, which shall not be over ten cents a bale, and twenty-five cents a hogshead, to be paid by the party selling the cotton and tobacco.

Sec. 3490 (a1890). Scalage of cotton prohibited.—It shall be unlawful for any purchaser or weigher of cotton to deduct two pounds, or any number of pounds, known as "scalage" from the actual weight of any merchantable bale of cotton weighed or purchased by them; and purchasers shall account to the seller of cotton, in all instances,

for the actual weight of the bale purchased or weighed, except in cases of wet or damaged cotton, or any number of pounds for bagging and ties, when the amount to be deducted shall be agreed upon by the parties buying and selling; but the number of pounds agreed upon to be deducted for bagging and ties shall not exceed their actual weight. For each violation of this section the offender shall be deemed guilty of a misdemeanor, and, upon conviction by a court of competent jurisdiction, he shall be fined not less than ten nor more than twenty dollars.

Ann. Code, 1917, Shannon, Vol. 1, ch. 3, p. 204.

Sec. 325–a41 (a1911). Feeding stuffs, weight to be marked.—Every lot or parcel of concentrated commercial feeding stuff sold, offered, or exposed for sale within this State shall have affixed thereto or printed thereon, in a conspicuous place on the outside thereof, a legible and plainly printed statement, in the English language, clearly and truly certifying the weight of the package (provided, that all concentrated commercial feeding stuffs shall be in standard weight bags or packages of 5, 8⅓, 10, 25, 50, 75, 100, 125, 150, 175, or 200 pounds); the name, brand or trade-mark under which the article is sold; the name and address of the manufacturer, jobber, or importer; * * *

Sec. 325–a55 (1909). Penalty.—Any manufacturer, importer, jobber, agent, or dealer who shall violate any of the provisions of this article or the regulations adopted by the commissioner of agriculture, upon conviction thereof, shall be fined not exceeding fifty dollars for the first offense nor more than two hundred dollars for each subsequent offense, and the proceeds from such fines shall be covered into the State treasury for use of the department executing the provisions of this article.

Sec. 325–a61 (1903). Manufacturers and dealers to brand product in manner directed.—All persons, companies, manufacturers, dealers, or agents before selling or offering for sale in this State any commercial fertilizer or fertilizer material, shall brand or attach to each bag, barrel, or package, the name and address of the manufacturer, and the guaranteed analysis of the commercial fertilizer, giving the valuable constituents of the commercial fertilizer in minimum percentages only. Only these items shall be branded or printed on the package in the following order:

(1) Weight of each package in pounds.

(7) Name and address of the manufacturer.

Ann. Code, 1917, Shannon, Vol. 5, p. 6509.

Sec. 329–a29b2 (1917). Licensed milk tester is required, when; license and fee; revocation; no second license, when.—Every person receiving or buying milk or cream, on the basis of its butterfat content, shall be or have in his employ a licensed milk tester to manipulate the Babcock test, and no person not holding such license shall be allowed to manipulate the Babcock test in any creamery, cheese factory, milk depot, milk plant, ice cream factory, cream station, milk condensary, or similar plant where milk or cream is bought or received on a basis of its butterfat content, or both its weight and butterfat content. The license shall be issued by the State dairy commissioner to such milk tester only after he has satisfactorily passed an examination

given by the State dairy commissioner, or his duly appointed deputy, and upon the payment of a license fee of two dollars to the State dairy commissioner, or his duly appointed deputy. This license shall be valid for one year, but may be revoked by the State dairy commissioner if the licensee fails to comply with the rules and regulations under which the license was granted. A second license shall not be issued to any tester from whom a license has been revoked. The provisions of this section shall not apply to individuals, hotels, restaurants, and boarding houses buying milk or cream for private use.

Sec. 329a29b3. Standard scales, weights, and measures, etc.—Every person, or agent for any person, buying milk or cream, on the basis of its weight or butterfat content as determined by the Babcock test, or on a basis of both its weight and butterfat content, shall use only standard scales, weights, measures, Babcock test bottles and pipettes, as specified in the rules and regulations of the State dairy commissioner, as provided for in section 329a29b10, and which have been inspected and duly approved by the State dairy commissioner, or his duly appointed deputy.

Sec. 329a29b4. Unlawful to manipulate the Babcock test contrary to rules and regulations, or to falsify the records thereof.—It shall be unlawful for any person buying and paying for milk or cream, on the basis of the butterfat content, or any agent thereof, to manipulate the Babcock test in any way other than as prescribed in the rules and regulations of the State dairy commissioner, as provided for in section 329a29b10, or to falsify the records thereof.

Sec. 329a29b5. Unlawful to fraudulently manipulate weights or samples, or to take samples contrary to rules, etc.—It shall be unlawful for any person buying or receiving milk or cream, by weight or butterfat content, or by both weight and butterfat content, or any agent of such person to fraudulently manipulate the weight or weights of milk or cream of any person, or to take a sample or samples for testing in any manner not approved by the rules and regulations of the State dairy commissioner, as provided for in section 329a29b10, or to fraudulently manipulate such sample or samples.

Sec. 329a29b6. Fees for inspection and approving scales, measures, and apparatus.—The fee to be charged by the State dairy commissioner, or his duly appointed deputy, for inspecting and approving the scales, measures, and apparatus as provided for in this act shall be three cents for each piece of apparatus or glassware so inspected and approved.

Sec. 329a29b7. Office of State dairy commissioner is created; appointment of commissioner and deputies.—The office of the State dairy commissioner is hereby created, and the State commissioner of agriculture is hereby authorized to appoint a State dairy commissioner and such deputies as in his judgment may be necessary to carry out the provisions of this act.

Sec. 329a29b10. Rules and regulations, approval of.—It shall be the duty of the State dairy commissioner to formulate such rules and regulations as may be necessary in the proper execution of this act, such rules and regulations to be made with the approval of the commissioner of agriculture, and the dean of the college of agriculture, University of Tennessee, or their duly appointed agents.

Sec. 329a29b11. Examination of testers; inspection of Babcock testers; destruction of apparatus.—He shall have authority to enforce the pro-

visions of this act, by giving examinations to applicants for positions as testers; by inspecting all Babcock testers, glassware, and scales as provided for in this act, and he shall have the authority to destroy all apparatus not found accurate.

Sec. 329a29b12. License of testers; certified apparatus.—He shall issue testers' license to applicants as provided for in section 329a29b2; he shall certify to the accuracy of apparatus by inscribing thereon the initials "T. D. C." (Tennessee Dairy Commissioner) in an indelible manner and shall either destroy or properly label all glassware and other apparatus found inaccurate.

Sec. 329a29b13. Inspection of Babcock testers, scales, and other apparatus every three months.—He shall visit all creameries, cheese factories, milk depots, milk plants, ice cream factories, cream stations, cream routes, milk condensaries, and similar plants in the State at least once every three months for the purpose of inspecting the Babcock testers, scales, and other apparatus used in the test and for inspecting of such plants with regard to the execution of this act.

Sec. 329a29b17. Tests to settle disputes between buyers and sellers; such tests regarded as prima facie correct.—They are further authorized and empowered to make such tests as are necessary to settle disputes, when called on by either buyer or seller of milk, cream or other dairy products where such disputes arise over dissatisfaction, regarding weights or tests of dairy products. Such tests made by the State dairy commissioner or his deputies shall be regarded as prima facie correct, and shall be taken as a basis of settlement in such disputes.

Ann. Code, 1917, Shannon, Vol. 1, ch. 3, Art. VIII, p. 238.

Sec. 339 (1887). Duties of checkweighman.—At every coal or other mine in this State, where coal or other minerals are mined by weight or measure, the miners, or a majority of those present at a meeting called for that purpose, shall have the right to employ a competent person as checkweighman or check measurer, as the case may require, who shall be permitted at all times to be present at the weighing or measuring of coal, also have power to weigh or measure the same, and, during the regular working hours, to have the privilege to balance and examine the scales or measure the cars: *Provided*, That all such balancing or examination of scales shall only be done in such way and in such time as in no way to interfere with the regular working of the mines; and he shall not be considered a trespasser during working hours while attending to the interest of his employers, and in no manner shall he be interfered with or intimidated by any person, agent, owner, or miner; and any person violating these provisions shall be held and deemed guilty of a misdemeanor, and, upon conviction thereof, he shall be punished by a fine of not less than twenty dollars and not exceeding one hundred dollars or imprisoned, at the discretion of the court.

Sec. 340. Further duties; differences, how settled.—It shall be a further duty of checkweighman or check measurer to credit each miner with all merchantable coal or other mineral mined by him, on a proper sheet or book kept by him for that purpose. When differences arise between the check weighman or check measurer and the agent or owners of the mine, as to the uniformity, capacity of scales or cars used, the same shall be referred to the mine inspector of the

district where the mine is located, whose duty it shall be to regulate the same at once; and, in the event of said scales or cars proving to be correct, then the party or parties applying for the testing thereof to pay or bear all costs and expenses thereof, but, if not correct, then the owner or owners of said mine to pay the cost and charges of making said examination.

Sec. 341. Penalty for incorrect weighing or measuring.—Should any weighman, agent, or check measurer, whether employed by operators or miners, knowingly or wilfully adopt or take more or less pounds for a bushel or ton than is now provided for by law, or wilfully neglect the balancing or examining of the scales or cars, or knowingly and wilfully weigh coal with an incorrect scale, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned in the county jail for not less than three months.

TEXAS

Laws, 1925, ch. 13, p. 35.

Sec. 1. Abolishing weights and measures department.—The office of commissioner of markets and warehouses of the State of Texas is hereby abolished, and the authority, duties, powers, functions, rights, and liabilities, heretofore vesting in said commissioner, shall hereafter vest in and be had and performed by the commissioner of agriculture. The markets and warehouse department and the weights and measures department of the State of Texas are hereby abolished, and the duties and functions of the same shall hereafter vest in the commissioner of agriculture.

Revised Civil Statutes, 1925, Vol. 1, Title 93, ch. 7, p. 1605.

Sec. 5705 (1919). Commissioner to enforce law.—The commissioner of markets and warehouses [1] shall have power and authority to enforce, or cause to be enforced, any provision of this chapter. He shall appoint a chief deputy, who shall be known as chief deputy of weights and measures. In the absence or inability of the commissioner, such deputy may perform any duty required by the provisions of this chapter. The commissioner shall also appoint such additional deputies from time to time to serve as sealers of weights and measures, as may be provided for by appropriation. He may also designate such inspectors, lecturers, or employes, serving under him as commissioner, as sealers of weights and measures.

Sec. 5706. Expenses.—Such deputies, together with the chief deputy and the commisioner, shall be entitled to their actual traveling expenses when traveling on business for the State, and the legislature shall provide from time to time by appropriation other estimated expenses to fully carry out the provisions of this chapter.

Sec. 5707. Duty of commissioner.—The commissioner shall investigate conditions throughout the State, and especially in all the cities and towns in the State, with respect to weights and measures, and the sale of goods, wares and merchandise, commodities, food stuff and feed stuff sold in packages or containers, and also all kinds of feed, fuel or ice that is sold by weight or measure. The commissioner shall annually report to the governor, and shall, prior to each regular session of the legislature, file a copy of such report made by him to the governor, together with his recommendations, with the legislature of the State.

Sec. 5708. Rules and regulations.—The commissioner shall issue instructions and make such rules and regulations for the government of all State sealers of weights and measures, deputy sealers, inspectors and local sealers, as he may see proper in order to carry out the purposes of this chapter. All such rules and regulations so

[1] The office of commissioner of markets and warehouses was abolished and the duties vested in the commissioner of agriculture by Laws, 1925, ch. 13.

issued by him shall have the same force and effect as if they were enacted into law.

Sec. 5709. Jurisdiction.—The jurisdiction of all State sealers, deputy sealers and inspectors appointed by the commissioner shall be co-extensive with the limits of the State and they shall have a right to inspect weights and measures in any and all districts or localities designated by the commissioner. The jurisdiction of all local sealers of weights and measures appointed by the governing body of any city in this State shall be co-extensive with the limits of said city.

Sec. 5710. Same power as peace officer.—The commissioner, his deputy, sealers or inspectors and all local sealers and their deputies in the performance of their official duties, shall have the same power as peace officers in this State.

Sec. 5711. Record of acts and reports.—The commissioner shall keep in his office a complete record of all acts done by him; of all inspections made throughout the State, and a record of all prosecutions for the violation of any provision of this chapter. He shall keep an accurate record of the reports of all the various sealers of weights and measures, deputy sealers and inspectors appointed by him, or under his direction, as well as a record of the inspections of all local sealers of weights and measures appointed by the various cities of the State; such record shall always be open to the inspection of the public. Copies of such record may be had by application therefor, together with the necessary cost of making such copies.

Sec. 5712. Test of standard.—The standard of weights and measures received from the United States under a resolution of Congress, approved June 14, 1836, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto, or in renewal thereof, and such as shall be procured by the State in conformity therewith and certified by the bureau of standards, shall be the State's standards by which all State and municipal standards of weights and measures shall be tried, authenticated, proved and sealed.

Sec. 5713. To keep and maintain standards.—The standards referred to in the preceding article [section] shall be kept by the commissioner in a safe and suitable place in his office, from which they shall not be removed except for repairs or certification. He shall maintain such standards in good order and shall submit them, at least once in ten years to the National Bureau of Standards for certification. He shall purchase such apparatus as shall be found necessary to a proper prosecution of the work of the office.

Sec. 5714. Shall establish tolerances.—The commissioner shall establish tolerances and specifications for commercial weighing and measuring apparatus for use in this State, similar to the tolerances and specifications recommended by the National Bureau of Standards and he may establish a standard net weight or net count of any commodity, produce, or article, and prescribe such tolerances for same as he may in his best judgment deem necessary for the proper protection of the public.

Sec. 5715. Copies to cities.—The commissioner shall, at the request of any city council, town council, city commission or any other such town or city body, furnish to them copies of the standard weights

and measures of the State; such copies shall be furnished at the expense of any such city or town requesting the same. He shall, upon request of any such city council, town council, or city commission, test and accurately approve copies of the State's standards of weights and measures procured for the use of any such city or town, to be used by the sealer of weights and measures for such city or town. All copies furnished or copies tested and approved by the commissioner shall be true and correct; shall be sealed and certified by the commissioner and stamped with the letter " C." Such copies need not be of the same material or construction as the standards of the State and such copies may be furnished in any suitable materials or construction that the city or town requiring the same may specify, subject, however, to the approval of the commissioner.

Sec. 5716. Correcting standards of cities.—The commissioner shall inspect and correct the standards used by any incorporated city or town in this State at least once every two years and compare the same with others in his possession, and keep a record of the state of inspection and character of weights and measures so compared.

Sec. 5717. Sale of false devices.—The commissioner shall have general supervision over all weights and measures and weighing and measuring devices sold or offered for sale in this State. If any false weights or measures are being sold, offered for sale, or about to be sold, he shall have full authority to condemn same and prohibit the sale and distribution of such false weights and measures, or weighing and measuring devices in this State.

Sec. 5718. Certified standard.—All sealers of weights and measures, or deputy sealers of weights and measures appointed under the terms and provisions of this law are prohibited from using for the purpose of comparison or verification in any official capacity any weights or measures, unless same have been certified to by the commissioner. All expenses incurred in certifying to the correctness of the weights and measures or copies of the same used by any incorporated city or town in this State shall be paid by such city or town for whom the comparison or test is made.

Sec. 5719. Copies of original standard.—In addition to the standards heretofore referred to, and required to be kept by the State, the State shall also have a complete set of copies of such original standards of weights and measures adopted by this chapter, which shall be used for adjusting municipal standards by the commissioner or his deputy in the performance of their duties, and the original standards shall not be used, except for the adjustment of this set of copies and for certification purposes. Additional complete sets of copies for such original standards of weights and measures may be purchased by the commissioner when the same are necessary for use by any State sealer of weights and measures, or deputy State sealer of weights and measures. In all instances where the State shall furnish true and correct copies of weights and measures for the use of any incorporated city or town in this State, such city or town shall reimburse the State for the actual cost thereof, plus such expenses as are necessary to pay the freight, express and cost of certification thereof.

Sec. 5720. Test of weights and measures in State institutions.—The commissioner or his deputy shall at least once annually, or oftener

if requested so to do by the board of control, or board of supervisors, regents or other governing body of any State institution or penitentiary commission or the governing body of any other penal institution of the State, test all scales, weights and measures used in checking the receipt and distribution of supplies of any such institution under the control of the State, and shall report his findings to the chairman of the board, or the superintendent of such institution. He shall also test all scales, weights and measures used for any other purpose by such institution.

Sec. 5721. Local sealers, procedure when found negligent or incompetent by State superintendent.—The commissioner, if he finds that any sealer or deputy sealer of weights and measures appointed by any incorporated city or town in this State, by virtue of the authority given them under the law, is neglecting to perform the duties of his office, or has refused to accept the recommendations and instructions of the commissioner and be guided thereby, or is guilty of any malfeasance in office, or who is incompetent, he shall present to the governing body or officer who has control or supervision of such city sealer of weights and measures, or deputy sealer of weights and measures, a written charge and accusation based upon and clearly stating the offense of such sealer or deputy sealer and request such officer or governing body to hear and determine such accusation. Upon receipt of such charge and accusation, such officer or city commission with whom the same has been filed, shall make an order setting the same for a hearing at a time which shall be not less than ten nor more than twenty days from the date of filing of such charge and accusation and shall in such order fix the time and place for such hearing. A copy of such charge and accusation, together with a copy of such order, shall be served upon the accused at least seven days prior to the time fixed for such hearing. At such hearing the accused shall have the right to be represented by counsel and to produce evidence in his defense. If, upon such hearing, he shall be found guilty of malfeasance, or misfeasance in office or adjudged to be incompetent to perform the duties of the office, the officer or governing body before whom such hearing is had must forthwith remove him from office. Whenever it shall become known to the commissioner or his deputy that any local sealer of weights and measures for any city or town in this State, or deputy sealer of weights and measures, is guilty of accepting any bribe, gift or money from anyone who is interested in procuring false weights and measures, as soon as such fact shall become known, or be made known to the officer or governing body employing such sealer or deputy sealer, he or they shall immediately suspend such sealer from office.

Sec. 5722. To supervise local sealers.—Every local sealer of weights and measures, or deputy sealer, appointed by any governing body of any town or city shall be under the supervision of the commissioner, and shall be required to report to him regularly and carry out all the instructions of the commissioner. Failure or refusal to do so shall be grounds for dismissal from the service.

Sec. 5723. Sealers to preserve standards and keep record of work done; report to State superintendent.—Each sealer of weights and measures, deputy sealer, inspector, or local sealer shall carefully preserve all copies of the standards of weights and measures used by him in

his inspection work, and keep the same safe and in good order, when not in actual use. He shall keep a record of all work done by him showing the inspections made, for whom made, giving the name and post-office address of each party for whom any measurement, test weight, inspection, condemnation or prosecution is made; such record shall be preserved by him, from which he shall compile his reports at regular intervals to the commissioner when required to make a report. He shall keep a careful record of all violations of the weights and measures law and report in detail to the commissioner.

Sec. 5724. Weighing and measuring apparatus for sale or in use to be marked as to correctness.—Every person, firm or corporation, or association of persons, using or keeping for use, or having or offering for sale, weights, scales, beams or measures of any kind, instruments or mechanical devices for weighing or measuring, and tools, appliances and accessories connected with any or all of such instruments or measurements within this State, shall cause the same to be sealed and marked by the sealer of weights and measures as to their correctness, and no instrument shall be sold for the purpose of weighing or measuring unless it shall bear the seal of the inspector of weights and measures as to its correctness.

Sec. 5725. Testing, how often required and permitted; new apparatus to be tested, when.—When any weight, scale, beam, measure of any kind, instrument or mechanical device for weighing or measuring; also all tools and appliances necessary or connected with any such instruments of measure have been tested and found correct by any sealer appointed under the provisions of this chapter, the same may be used, kept for use, offered for sale, sold or kept for sale anywhere within this State for one year without being further tested. Any weight, scale, beam, measures of every kind, instruments or mechanical devices for weighing or measuring, or appliances and accessories connected with any or all of such instruments or measure, which have been tested and sealed and certified as correct by the National Bureau of Standards may be kept for sale, sold or offered for sale without being tested and sealed by a sealer under the provisions of this chapter, but all such weights, scales, beams, measures or [of] any kind, instruments or mechanical devices for weighing or measuring; also all tools and appliances necessary connected with any or all of such instruments or measures shall always be subject to inspection and testing as herein provided, notwithstanding that the same have been tested and sealed, either by a sealer appointed under the provisions of this chapter or by the National Bureau of Standards. Any scale, beam or mechanical device for weighing or measuring, which, after being sold, and before being used for weighing and measuring, it is found necessary to assemble and set up, may be sold, kept for sale or offered for sale without first being tested and sealed, but such scale, beam or measuring device for weighing or measuring, before being used for weighing or measuring, without the consent of the commissioner, must be tested and sealed as provided in this chapter.

Sec. 5726. Testing weights and measures apparatus by sealers; weighing packages of commodities, may be seized, when; police powers of officials.—All sealers, deputy sealers, inspectors, and local sealers shall inspect, try and test all weights, scales, beams, measures of any

kind, instruments or mechanical devices for weighing or measuring and all tools, appliances and accessories connected with any or all such instruments or measures kept for the purpose of sale, sold or used by any proprietor, agent, lessee or employe in proving the size, quantity, extent, area, weight or measurement of quantities, things, produce, articles for distribution or consumption, purchased or offered or submitted by such person or persons for sale, hire, or award and ascertain if the same are correct, and he shall have the power to and shall from time to time weigh or measure packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered for sale or sold, or in the process of delivery, in order to determine whether the same contains the quantity or amount represented and whether they are being offered for sale or sold in accordance with law and may seize for use as evidence such amounts of commodities or packages which shall be found to contain a less amount than that represented. He shall at least once each year, or as much oftener as may be found necessary, and directed by the commissioner, see that the weights, measures and all weighing and measuring apparatus, used in any locality to which he is assigned for the purpose of inspection, are correct. All local sealers of weights and measures shall test at least once each year all scales, weights and measures of every kind and device within any such city to which they are appointed, and oftener, if required so to do. Any sealer, or deputy sealer, or inspector for the purposes above mentioned, and in the general performance of his duty may, without warrant, enter, go into or upon any stand, place, building or premises, or stop any vendor, peddler, junk dealer, driver of a coal wagon, ice wagon or delivery wagon or the driver of any wagon containing commodities for sale or delivery, and if necessary require him to proceed to some place which the sealer may specify for the purpose of making the proper tests.

Sec. 5727. Testing apparatus; may be condemned, seized, or destroyed, when; removal of tags; reinspection.—Whenever a sealer, deputy sealer, or inspector of weights and measures compares weights and measures, or weighing or measuring instruments and finds that they correspond, or causes them to correspond to the standards, he shall seal or mark under his name such weight or measure or weighing or measuring instrument with an appropriate device showing that the weight or measure, or weighing or measuring instrument is correct, and the date of the inspection, which device shall be placed so as to be easily seen. He shall condemn and seize and may destroy incorrect weights and measures and weighing and measuring instruments, which in his best judgment are not susceptible of repair, but any weights and measures, or weighing or measuring instruments which shall be found to be incorrect, but which, in his best judgment are susceptible of repair, he shall cause to be marked with a tag or other suitable device with the words "Out of order." The owner or user of any weights or measures, or weighing or measuring instruments, which have been marked "Out of order," as in this article provided, may have the same repaired or corrected within thirty days, but until the same have been repaired or corrected and tested as herein provided, the owner or user thereof must neither use nor dispose of the same in any way, but shall hold the same at the disposal of the com-

missioner or any deputy or local sealer. When the same have been repaired or corrected, the owner or user thereof shall notify the commissioner or his deputy or local sealer and they shall again be tested for the purpose of proving the weight, measure or weighing or measuring instrument which had been found to be incorrect and marked as in this article, and until such weight, measure or weighing or measuring instrument has been re-inspected by the sealer and found correct, the same shall not be used or in any way disposed of by the owner. When any weight, measure or weighing or measuring instrument has been repaired and corrected, and has been re-inspected and found correct by the sealer of weights and measures, the sealer of weights and measures shall remove the tag or device with the words " Out of order " and shall mark such weight, measure or weighing or measuring instrument in the manner provided for the marking of same where upon inspection they were found to be correct.

Sec. 5728. Fees for testing.—The commissioner shall have the right and power to fix and collect a nominal fee for testing all weights, scales, beams and any kind of instruments or mechanical devices for weighing or measuring; all tools, appliances and accessories connected with all such instruments before they are offered for sale; such fee, however, to be reasonable and to be graduated according to the cost of such instrument, and it shall be unlawful for anyone to sell any weights, scales, beams, measuring instruments or mechanical devices for weighing or measuring, or to lease or rent same, unless such instruments have been inspected, tested and approved by the commissioner, or one of his duly accredited deputies. All moneys collected by the commissioner shall be paid into the State treasury.

Sec. 5729. Definitions.—The word " person," whenever used in this chapter, shall be deemed to include person, firm or corporation and all officers, directors and managers of corporations shall comply with the provisions of this chapter on behalf of their respective corporations.

Sec. 5730. Unit of standard of length and surface; yard, rod, pole, perch, mile, Spanish vara, chain, link, acre, square mile.—The standard of weights and measures adopted and used by the Government of the United States is hereby declared the legal standard of weights and measures of this State; provided, that as to commodities for which the Congress of the United States provided no standard of weights or measures, the standards adopted by this State shall be the standard of weights and measures for such commodities. The unit of standard of length and surface, from which all the other measures of extension, whether lineal, superficial or solid, shall be derived and ascertained, is the standard yard designated in this chapter, which is divided into three equal parts called feet, and each foot into twelve equal parts called inches. For measures of cloth, and other commodities commonly sold by the yard, it may be divided into halves, quarters, eighths and sixteenths. The rod, pole or perch contains five and one-half yards; the mile one thousand seven hundred and sixty yards. The Spanish vara, thirty-three and one-third inches. Where land is measured by the English rule, the chain for measuring land shall be twenty-two yards long and divided into one hundred equal parts called links. The acre for land measure shall be measured horizontally and shall contain forty-eight hundred and

forty square yards; six hundred and forty acres shall constitute a square mile.

Sec. 5731. Units of weight; pound, hundredweight, ton, troy ounce, and pound.—The units or standards of weight from which all the other weights shall be derived and ascertained shall be the standard of avoirdupois and troy weights designated in this chapter, and avoirdupois pounds shall bear to the troy pounds the ratio of seven thousand to five thousand seven hundred and sixty grains, and the avoirdupois pound shall be divided into sixteen equal parts called ounces. The hundredweight shall consist of one hundred avoirdupois pounds, and twenty hundredweight shall constitute a ton. The troy ounce shall be one-twelfth of a troy pound.

Sec. 5732. Standard for liquids.—The units or standards of measure of capacity for liquids from which all other measures shall be derived and ascertained, shall be the standard gallon and its parts designated in this chapter. The barrel shall constitute thirty-one and one-half gallons and two barrels shall make a hogshead. All other measures of capacity for liquids shall be derived from the liquid gallon by continual division by the number two, so as to make half gallons, quarts, pints, half pints and gills.

Sec. 5733. Standard for solids.—The unit or standard measure of capacity for substance not liquids, from which all measures of such substance shall be derived and ascertained, is the standard half bushel mentioned in this chapter. The peck, half peck, quarter peck, quart and pint measure for measuring commodities which are not liquid shall be derived from the half bushel by successively dividing that measure by two. The standard bushel measure shall constitute two thousand one hundred fifty and forty-two one-hundredths cubic inches; the standard half bushel measure shall contain ten hundred seventy-five and twenty [twenty-one] one-hundredths cubic inches; the standard gallon shall contain two hundred thirty-one cubic inches. All measures for measuring dry commodities shall not be heaped but shall be stricken with a straight stick or roller..

Sec. 5734. Weights per bushel, barrel, or ton; cord and ton defined; weight per cubic yard of sand and gravel; Federal requirements recognized.—Whenever any of the following articles shall be contracted for, sold or delivered, the weight per bushel or barrel or divisible merchantable quantities of a bushel or barrel shall be as follows:[2]

Wheat flour, per barrel 200 pounds.
Wheat flour, per half barrel sack 100 pounds.
Wheat flour, per quarter barrel sack 50 pounds.
Wheat flour, per eighth barrel sack 25 pounds.
Corn meal, per bushel sack 50 pounds.
Corn meal, per half bushel sack 25 pounds.
Corn meal, per quarter bushel sack 12½ pounds.
Alfalfa seed, per bushel 60 pounds.
Apples, green, per bushel 50 pounds.
Apples, dried, per bushel 28 pounds.
Barley, per bushel 48 pounds.
Beans, green or string, per bushel 24 pounds.
Beans, wax, per bushel 24 pounds.
Beans, white, per bushel 60 pounds.
Beans, castor, per bushel 46 pounds.
Beets, per bushel 60 pounds.
Blue grass seed, per bushel 14 pounds.
Bran, per bushel 20 pounds; by the 100 pounds in 100-pound bags.
Broom corn seed, per bushel 48 pounds.
Buckwheat, per bushel 52 pounds.
Carrots, per bushel 50 pounds.
Charcoal, per bushel 22 pounds.
Clover seed, per bushel 60 pounds.
Coal, anthracite, per bushel 80 pounds.
Coke, per bushel 40 pounds.

[2] For convenience in printing a slight change has been made in the arrangement of these articles.

Corn meal, unbolted, per bushel 48 pounds.
Corn in the ear, per bushel 70 pounds, after December 1st.
Corn in the ear, per bushel, new crop, before December 1st, 72 pounds.
Corn, shelled, per bushel 56 pounds.
Kafir corn, per bushel 50 pounds.
Cotton seed, per bushel 32 pounds; by the ton, 2,000 pounds.
Cranberries, per bushel 33 pounds.
Cucumbers, per bushel 48 pounds.
Flax seed, per bushel 56 pounds.
Gooseberries, per bushel 40 pounds.
Hair, plastering, unwashed, per bushel 8 pounds.
Hair, plastering, washed, per bushel 4 pounds.
Hemp seed, per bushel 44 pounds.
Hickory nuts, per bushel 50 pounds.
Hungarian grass seed, per bushel 48 pounds.
Indian corn or maize, per bushel 56 pounds.
Lime, unslacked, per barrel 180 pounds net.
Lime, hydrated, per sack 100 pounds net.
Lime, hydrated, per bag 40 pounds net.
Lime, agricultural, per sack 100 pounds net.
Lime, agricultural, per bag 50 pounds net.
Milo maize, per bushel 50 pounds.
Millet, per bushel 50 pounds.
Millet, Japanese barnyard, per bushel 35 pounds.
Oats, per bushel 32 pounds.
Onions, per bushel 57 pounds.
Onions sets, top, per bushel 30 pounds.
Onion sets, bottom, per bushel 32 pounds.
Orchard grass seed, per bushel 14 pounds.
Parsnips, per bushel 50 pounds.
Peaches, per bushel 50 pounds.
Peaches, dried, per bushel 28 pounds.
Peanuts, green, per bushel 22 pounds, Georgia or Virginia.
Peanuts, Spanish, per bushel 24 pounds.
Peanuts, roasted, per bushel 20 pounds.
Pears, per bushel 58 pounds.
Peas, dried, per bushel 60 pounds.
Peas, green, in pod, per bushel 32 pounds.
Popcorn, in ear, per bushel 70 pounds.
Popcorn, shelled, per bushel 56 pounds.
Potatoes, Irish, per bushel 60 pounds.
Potatoes, sweet, per bushel 50 pounds.
Quinces, per bushel 48 pounds.
Rape seed, per bushel 50 pounds.
Redtop seed, per bushel 14 pounds.
Rice bran, per sack 143 pounds.
Rice polish, per sack 200 pounds.
Rough rice, per bushel 45 pounds.
Rutabagas, per bushel 50 pounds.
Rye meal, per bushel 50 pounds.
Rye, per bushel 56 pounds.
Salt, coarse, per bushel 55 pounds.
Salt, fine, per bushel 50 pounds.
Shorts, per bushel 20 pounds; by 100 pounds in 100-pound bags.
Sorghum seed, per bushel 50 pounds.
Sudan grass seed, No. 1, per bushel 32 pounds.
Sudan grass seed, No. 2, per bushel 30 pounds.
Sudan grass seed, No. 3, per bushel 28 pounds.
Spinach, per bushel 12 pounds.
Sweet clover seed, unhulled, per bushel 23 pounds.[3]
Timothy seed, per bushel 45 pounds.
Tomatoes, per bushel 56 pounds.
Turnips, per bushel 55 pounds.
Walnuts, per bushel 50 pounds.
Wheat, per bushel 60 pounds.

Whenever any commodity is sold by the cord it shall mean 128 cubic feet, or the contents of a space eight feet long, four feet wide and four feet high. Whenever anything is sold by the ton, it shall mean two thousand pounds avoirdupois.

Whenever any of the following articles are sold by the cubic yard, and the same are weighed, the following weights shall govern: Torpedo sand or gravel, 3,000 pounds equal one cubic yard, and 2,500 pounds of bank sand equals one cubic yard.

Sec. 5735. Failure to regard unit of measure.—Whoever in buying any of the articles mentioned in the preceding article shall take any greater number of pounds thereof to the bushel, barrel or cubic yard, or divisible, merchantable quantity of bushel, barrel, cubic yard, or lineal yard, or in selling any of said articles shall give any less number of pounds thereof to the bushel, barrel, cubic or lineal yard than

[3] The weight of sweet clover seed, unhulled, was originally given in the act of 1919 as 33 pounds per bushel, and it may be presumed that the change to 23 pounds per bushel given above was inadvertently made.

is allowed by the laws of this State, with intent to gain an advantage thereby, shall be liable to the party injured in double the amount of the property wrongfully taken, or not given. This article [section] does not apply to cases where the buyer or seller is expressly authorized by special contract or agreement to take more or give less of such articles.

Sec. 5736. Contracts, how construed.—All contracts hereafter to be executed and made within this State for any work to be done, or for anything to be sold, delivered, done or agreed for, by weight or measure, shall be construed to be made according to the standard weight and measure ascertained as hereinbefore provided, unless there is an express contract to the contrary. In making any adjustment of weights or measures under the laws of this State, the standard given in this chapter shall be taken as the guide for making such adjustment.

Rev. Civil Stats., 1925, Vol. 2, Title 93, ch. 3, p. 1570.

Sec. 5602 (1917). Warehouse companies; classification of products; standards of quality and of weights and measures to be kept by warehouse companies.—The standards of weights and measures of this State shall be the standards of weights and measures used under the terms and provisions of this chapter. It shall be the duty of the commissioner [of markets and warehouses] to establish standards of classifications of cotton, corn, and other farm and ranch products, of whatever kind and character, which may be subject to classification, and originals of such standards so established shall be maintained, subject to public inspection, in the office of the commissioner at all reasonable times; and duplicates of such standards as well as the standards of weights and measures, shall be furnished by the commissioner to all persons who may apply therefor, under [upon] the payment of the necessary cost thereof. It shall be the duty of each public warehouse company to keep a duplicate of said standards, as well as the standards of weights and measures, at its warehouse, subject to inspection and comparison of grades and classification by persons storing products therein: *Provided*, That the standards of classification shall always be the standards established by the Government of the United States, or of this State.

Rev. Crim. Stats., 1925, Title 14, ch. 5, p. 245.

Sec. 1035 (1919). Duty of local sealer.—Each local or deputy sealer of weights and measures appointed by any city or town council or commission, shall be under the supervision of the commissioner of agriculture and shall be required to report to him regularly and carry out all his instructions, and on failure or refusal to do so shall be fined not less than ten nor more than two hundred dollars.

Sec. 1036. Removing tag of sealer.—Whoever removes or obliterates any tag or device placed by any authorized sealer, deputy sealer or inspector upon any weight or measure, or weighing or measuring instrument, shall be fined not less than ten nor more than two hundred dollars.

Sec. 1037. False weights and measures.—Any person, who, by himself or his employee or agent, or as the employee or agent of another, shall use, in the buying or selling of any commodity, or retain in his possession, a false weight or measure, or weighing or measuring in-

strument, or shall offer or expose for sale, or sell, except as specifically allowed by law, or use or retain in his possession any weight or measure or weighing or measuring instrument contrary to law, or any person, who, by himself, or his employee or agent, or as the employee or agent of another, shall sell or offer or expose for sale, or use or have in his possession for the purpose of selling or using, any device or instrument to be used to, or calculated to, falsify any weight or measure, shall be fined not less than ten nor more than two hundred dollars. Possession of such false weights or measures or instruments shall be prima facie evidence of the fact that they were intended to be used in the violation of law.

Sec. 1038. Hindering sealers.—Whoever hinders or obstructs in any way the commissioner of agriculture, or his deputy, inspector or sealer or any local sealer, in the performance of their duties, shall be fined not less than ten nor more than two hundred dollars.

Sec. 1039. Refusing to permit test of weight.—Any person neglecting or refusing to exhibit any weight, measure, or weighing or measuring instrument of any kind, or appliances and accessories connected with any of such instruments or measures which are in his possession or under his control to the commissioner, his deputy, inspector or to any local inspector or sealer, for the purpose of allowing the same to be inspected and examined as provided for by law, shall be fined not less than ten nor more than two hundred dollars.

Sec. 1040. Refusing to permit test of article.—Any person, who, by himself, or his employe or agent, or as the proprietor or manager, shall refuse to exhibit any article, commodity, produce or anything being sold or offered for sale at a given weight or quantity, or ordinarily so sold, to the commissioner or to his deputy or to a sealer or his deputy or to an inspector or local sealer, for the purpose of allowing same to be tested and proved as to quantity contained therein, shall be fined not less than ten nor more than two hundred dollars.

Sec. 1041. Unlawfully sealing.—Any sealer, deputy sealer, inspector or local sealer appointed under the provisions of law, or discharging the duties of a sealer of weights and measures in this State, who shall seal any weight, measure, balance or apparatus before testing and making the same conform with the standards of the State or who shall condemn any weight, measure, balance or apparatus without first testing the same, shall be fined not less than twenty-five nor more than two hundred dollars, and shall be immediately suspended from office.

Sec. 1042. Failure to regard unit of measure.—Whoever in buying any commodity or article of property, merchandise or produce, the standard weight of which per bushel or barrel, or divisible merchantable quantities of a bushel or barrel, or by the cord or ton or cubic yard, has been fixed by the laws of this State, shall take any greater number of pounds thereof to the bushel, barrel or cubic yard, or divisible merchantable quantity of bushel, barrel, cubic yard or lienal [lineal] yard, or in selling any of the same, shall give any less number of pounds thereof to the bushel, barrel, cubic or lineal yard, or divisible merchantable quantity of bushel, barrel, cubic or lineal yard than is allowed by the laws of this State, with intent to gain an advantage thereby, shall be fined not less than twenty nor more than two hundred dollars.

Sec. 1043. Parties may contract.—The preceding article does not apply where the buyer or seller is expressly authorized by special contract or agreement to take more or give less of such article.

Sec. 1044 (1907). Receptacle containing mill product.—Any one engaged in the manufacture of mill products of any character who shall use any bag, box, barrel or any other receptacle into which to put such product other than the one bearing the name of such mill manufacturing the same, shall be fined not less than one hundred nor more than one thousand dollars or be confined in jail for thirty days, or both.

Sec. 1045 (1917). Containers for fruit or vegetables.—Whoever shall make, sell, or offer to sell containers for the shipment of fruit or vegetables, which containers are of different size or dimensions from the standards of such containers established by the laws of this State, shall be fined not to exceed one thousand dollars.

Sec. 1046 (1918). Inspection of fruits and vegetables.—Any grower, shipper's agent, packer, or any agent, receiver or representative of any common carrier or transportation company, who shall violate any provision of the laws of this State relating to standards of grades and pack of fruit and vegetables, or who shall refuse to submit any such fruit or vegetables packed or ready for shipment to inspection by any inspector appointed, as authorized by law, by the commissioner of agriculture and empowered by such commissioner to make such inspection, shall be fined not to exceed one hundred dollars.

Sec. 1047 (1921). Public weigher.—All persons engaged in the business of public weighing for hire, or any person who shall weigh or measure any commodity, produce or article, and issue therefor a weight certificate or weight sheet, which shall be accepted as the accurate weight upon which the purchase or sale of such commodity, produce, or article is based, shall be known as a public weigher, and shall comply with the provisions of the law regulating public weighers, provided the provisions of this article shall not apply to any owner, manager, agent or employee of any compress or any public or private warehouse in their operations as a warehouseman. This law shall not apply in any manner to any Texas port.

Sec. 1048 (1919). Weight certificate.—The commissioner of agriculture shall prescribe the form of weight certificate to be used by all public weighers in this State, which certificate shall be known as a State certificate of weights and measures; such certificate shall state thereon the kind of produce; the number of the same, the date of the receipt of the produce, the owner, agent or consignee, the total weight of the produce, the vessel, railroad, or other means by which the produce was received, and any trade-mark or other mark thereon; and such other information as may be necesary to distinguish or identify the produce from a like kind. No certificate other than the one herein prescribed shall be used by any public weigher in this State, and such certificate when so made and properly signed, shall be prima facie evidence of such weight.

Sec. 1049. Record of weights.—All public weighers, within this State, shall keep and preserve a correct and accurate record of all weights made by them, which record shall be open for the inspection of the commissioner of agriculture, his deputies or inspectors, and the public at any and all times. Such record shall

be uniform throughout the State, and the form of such record shall be prescribed by said commissioner.

Sec. 1050. Issuing false certificate.—All certificates of weights and measures or weight sheets as provided for in this chapter shall contain the accurate and correct weight of any and all commodities weighed when issued by public weighers. Any public weigher, or deputy public weigher, who shall issue any certificate of weights and measures or weight sheet giving false weights or measures of any article, or commodity weighed or measured by him, or his representative or deputy, to any person, firm or corporation, shall be fined not less than twenty-five nor more than two hundred and fifty dollars, and may be imprisoned in jail for not less than thirty days nor more than six months, and in addition thereto, he shall be suspended from office and not permitted to continue the business of public weighing any longer.

Sec. 1051. Requesting false certificate.—Whoever shall request a public weigher, deputy public weigher or any person employed by him, or pay to him any money, or give him anything to weigh any produce, commodity or article, falsely or incorrectly, or who shall request a false or incorrect certificate of weights or measures, or weight sheet, shall be fined not less than twenty-five nor more than two hundred dollars, and in addition thereto may be imprisoned in jail for not less than thirty days nor more than six months.

Sec. 1052. Weigher to comply with law.—Any person, or agent or representative of any corporation, who shall engage in the business of weighing for the public, or who shall grant or issue a certificate or weight sheet, upon which a purchase or sale is made without complying with the terms of the statutes regulating public weighers, shall be fined not less than twenty-five nor more than two hundred dollars. Each certificate so granted, or weight sheet issued by him is a separate offense.

Sec. 1053. Shipping at false weight.—Whoever ships to anyone in this State anything in which the weight is necessary to be given at any weight other than the true weight properly certified to shall be fined not less than one hundred nor more than five hundred dollars and may be imprisoned in jail for not more than twelve months, or both so fined and imprisoned.

Sec. 1055 (1923). Water, gas, and electric meters.—All water meters, gas meters and electric meters are subject at all times to inspection of the commissioner of agriculture and said commissioner either on his own motion or complaint of any user of any of the above named meters, shall have same inspected as to its correctness, and if found incorrect to discontinue its use until corrected, so that it will register correctly and whoever refuses to discontinue such meter when so notified by said commissioner that it is incorrect or when so ordered to discontinue such meter should fail or refuse to comply with such order of said commissioner shall be fined not less than twenty-five nor more than one hundred dollars and each day he shall fail or refuse to comply with such order to discontinue same shall be a separate offense.

Sec. 1057. Misreading meter.—Any person engaged in the manufacture or sale of electricity, water, or gas for lighting, power or other purposes, or any officer or employee of any person, corporation or

company so engaged who shall knowingly misread any meter or overcharge any customer for such light, water or gas furnished, or shall cause or knowingly permit any light, water or gas meter to register or show greater than the true amount of light, electricity, water or gas sold or furnished any customer shall, for every such offense, be fined not less than twenty-five nor more than one hundred dollars.

Rev. Crim. Stats., 1925, Title 12, ch. 2, p. 152.

Sec. 708 (1911). Food.—* * * An article shall also be deemed to be misbranded: * * *

(*b*) In the case of food: * * *

3. If in package form and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Sec. 719 (1921). Bread, size of loaves; tolerance.—RULE 5. Bread to be sold by the loaf made by bakers engaged in the business of wholesaling and retailing bread, shall be sold based upon any of the following standards of weight and no other, namely: a loaf weighing one pound or 16 ounces, a loaf weighing 24 ounces or a pound and a half, and loaves weighing two pounds or 32 ounces, and loaves weighing three pounds, or some other multiple of one pound or 16 ounces. These shall be the standard of weight for bread to be sold by the loaf. Variations, or tolerance, shall not exceed one ounce per pound over or under the said standard within a period of 24 hours after baking.

Rev. Civil Stats., 1925, Vol. 1, Title 28, ch. 4, p. 299.

Sec. 1015°. Power of city council; food inspection; bread.—The governing body shall also have power:

5. To regulate the inspection of beef, pork, flour, meal, salt and other provisions; to appoint weighers, gaugers and inspectors, and to prescribe their duties and regulate their fees.

6. To regulate the weight and quality of the bread to be sold or used within the city.

Rev. Crim. Stats., 1925, Vol. 1, Title 14, ch. 11, p. 261.

Sec. 1108 (1919). Measuring apparatus for petroleum to be accurate.—No person, firm, association of persons, corporation or carrier, shall use any scales, measure or measuring device in the handling or sale of petroleum products unless the same is true and accurate according to the standard of weights and measures under the laws of this State, nor use any pumping device unless the same is correct according to such standard at three speeds, fast, slow and medium.

Sec. 1109. Use of inaccurate devices prohibited by seal.—The inspector shall seal and forbid the use of any inaccurate measuring device until such time as the defect is corrected. The breaking of said official seal shall be prima facie evidence of a violation of this law and no person, firm, association of persons, corporation or carrier shall refuse to permit the inspector provided for by law to inspect and seal, if deemed necessary, any such measuring device, or to break the seal after being placed by such inspector.

Sec. 1110. Hindering inspector.—The director of food and drug division of the State board of health, his inspectors, or any person by

him duly appointed for that purpose shall have in the performance of their duties under this law the power to inspect any premises or place where petroleum products are made, prepared, stored, transported, sold or offered for sale or exchange, and take samples of same, and test measuring devices. It shall be unlawful for any person to hinder or obstruct or refuse to permit said director, or his inspector or other person by him duly authorized to perform his duties in the exercise of such power.

Sec. 1111. Punishment.—Whoever violates any provision of the preceding articles [sections] of this chapter shall be fined not less than twenty-five nor more than two hundred dollars or be imprisoned in jail for not less than one month nor more than one year, or both.

Rev. Civil Stats., Vol. 1, Title 4, ch. 6, p. 36.

Sec. 109 (1917). Standard containers for fruits and vegetables.—The following standards of containers for the shipment of fruits and vegetables in this State are hereby established and adopted as State standards:

1. Standard bushel basket: The standard bushel basket shall contain not less than 2,150.4 cubic inches in the basket proper, regardless of the manner in which the lid is made.

2. Standard four-basket crate: The basket in said crates shall hold not less than three quarts dry measure, and the dimensions of such baskets shall be 5 x 8 inches at the bottom, 6 x 10 inches at the top, and 4 inches deep, and shall contain not less than 201.6 cubic inches. The heads of the crates holding said baskets shall be 4½ inches wide by 11 inches at the bottom, and 13 inches at the top in length and not less than $\frac{7}{16}$ of an inch thick. The veneer or boards for the bottoms, sides and tops shall be not less than 4½, 4, and 5½ inches wide respectively, and not less than $\frac{1}{7}$ of an inch thick and 22 inches long. Both crates and baskets shall be made of good, substantial material, sufficiently strong to withstand the ordinary strain incident to transportation and handling.

3. Standard six-basket crate: Each basket of a six-basket crate shall contain not less than 268.8 cubic inches.

4. Standard folding onion crate: The standard folding onion crate shall not be less than 19⅝ inches long, $11\frac{3}{16}$ wide, and $9\frac{13}{16}$ inches deep, inside measurements, containing not less than 2,154.4 cubic inches.

5. Standard orange box: The dimensions of the standard orange box shall be 12 x 12 x 12 inches for each one-half of box, inside measurement, and the dimensions of a one-half (or strap) box shall be 12 x 12 x 6 inches for each one-half box, inside measurement.

6. Standard berry box or crate: The standard quart berry box or crate shall contain not less than 24 quart baskets containing 67.2 cubic inches each, dry measure; and the standard pint berry box or crate shall hold not less than 24 pint baskets, containing not less than 33.6 cubic inches, dry measure.

Sec. 110. Grades and packs established; Texas standard peach packs; Texas standard packs, for oranges, for satsumas and tangerines, for grapefruit.—The following "grades and packs" are hereby established as State standards for the State of Texas:

(*a*) Standard peach grades and packs: Standard peach grades are three in number; namely, fancy, choice or No. 1, and No. 2.

Fancy peaches shall be * * * carefully picked and closely packed in bushel baskets or crates of four or six basket capacity.

Choice or No. 1 peaches shall be * * * carefully picked and closely packed in bushel baskets or crates of four or six basket capacity. * * *

The standard peach packs for six-basket crate shall be eight in number; namely, 72's, 96's, 138's, 162's, 180's, 216's, 270's and 324's. * * *

All packages must be filled tight, in all layers from bottom to top, and extend approximately 1 inch above the top rim or edge of the package, whether it be a bushel basket, crate basket, or box. * * *

The standard orange packs shall be eight in number; namely, 96's, 126's, 150's, 176's, 200's, 216's, 252's, 288's. * * *

The standard satsuma and tangerine packs shall be seven in number; namely, 90's, 106's, 120's, 168's, 196's, 216's, 224's. * * *

The standard grapefruit packs shall be seven in number; namely, 28's, 36's, 46's, 54's, 64's, 80's, 96's. * * *

In the enforcement of the above standards of grade and pack, an allowance may be made of not exceeding ten per cent difference in size between the fruit on top and in the interior of the package. A variation of not more than three per cent of actual count may be made in the number of any kind of fruit prescribed for each particular pack.

Sec. 114 (a1918). Beans, size of packages; Texas Bartlett pears, how packed; packs defined.—* * * All beans are to be packed in hamper weighing, when packed, not less than 17 pounds net weight for one-half bushel hamper, and 34 net weight for one bushel. * * *

Fruit [pears] shall be tightly packed in clean standard boxes, one end stamped with the grade, number of pears, name of and post office of packer.

"Four tier" shall be packed in four layers. Minimum pack 120 pears to the box.

"Five tier" shall be packed in six layers. Minimum pack 135, maximum pack 180 pears to box.

"Six tier" shall be packed in six layers, containing 216 pears to the box, or in five layers containing 195 or 210 to the box, but will be considered "six tier." * * *

Sec. 116 (a1919). Allowance for shrinkage and dirt on potatoes.—* * * Three per centum by weight shall be allowed on all Texas grown new potatoes, for natural shrinkage. In instance where dirt adheres to the potatoes a fair and reasonable estimate by weight, of such dirt, shall be made and deducted from the gross weight of the potatoes and dirt, which estimate may be made by removing and weighing the dirt from three or more samples of not less than fifty pounds each, that, when taken together, represents the average conditions of the potatoes.

All potato containers must have some mark or brand showing the name and post-office address of the grower or shipper.

* * * * * * *

Terms defined: "Diameter" means the greatest dimensions at right angles to the longitudinal axis.

Sec. 118 (1917). Enforcement of act and promulgation of rules and regulations.—The commissioner of agriculture is hereby authorized

and empowered to enforce each provision of this chapter, and he shall promulgate and publish all necessary rules and regulations for the enforcement of this law, and such other information as will aid fruit and truck growers and the manufacturers of containers in complying with the provisions of this chapter.

Laws, 1925, ch. 90, p. 264.

Sec. 1. Public weigher; office created in certain counties.—That in and for all counties in this State having a population, according to the United States census of 1920, of not less than 25,600 people and not more than 25,700 people, there is created the office of public weigher, whose official headquarters shall be at the county seat of such county and who shall discharge and perform at the county seat only, all the duties required by law of any public weigher, and whose qualifications shall be the same as required by law of public weighers elected in precincts, and who shall appoint a sufficient number of deputies to enable him to discharge his duties.

Sec. 2. Bond; oath.—Such public weigher shall take the oath required by the constitution of public officers, and shall give a bond in the sum of $2,500.00, payable, conditioned and to be approved as required in cases of bonds of precinct public weighers, and shall procure a like certificate of authority from the commissioner of markets and warehouse. The deputies of such public weigher shall take such oath and give bond in like manner, which bond, however, shall in the case of such deputies be in the sum of $1,000.00.

Sec. 3. Appointment and term of office.—At the first regular term of the commissioners' court of such counties, following the passage of this act, such commissioners' court shall appoint a public weigher for its county, who shall serve until the next general election when his successor shall be elected.

Sec. 4. This act shall not be construed to suspend the operation of the present law, providing for the election of precinct public weighers, in the counties effected [affected] by this law.

Laws, 1925, ch. 91, p. 265.

Sec. 1. That in and for all counties in this State having a population according to the United States census of 1920 not less than 55,700 and not more than 55,800 people, there is created the office of public weigher to be filled by two officers of equal rank, whose official headquarters shall be in the county seat of such county and who shall discharge and perform at the county seat only, all the duties required by law of any public weigher and whose qualifications shall be the same as required by law of public weighers elected in precincts, and who shall appoint a sufficient number of deputies to enable them to discharge their duties.

Sec. 2. Bond; oath.—Each of said public weighers shall take the oath required by the constitution of public weighers and give a bond in the sum of $2,500, payable, conditioned and to be approved as required in cases of bonds of precinct public weighers, and shall procure a like certificate of authority from the commissioner of markets and warehouses.

Sec. 3. Appointment and term of office.—Such public weighers shall be elected by popular vote of the entire county as other county offi-

cers. One of said weighers shall fill a place called place No. 1 and the other shall fill the place called place No. 2.

Sec. 4. This act shall not be construed to suspend the operations of the present law, providing for the election of precinct public weighers, in the counties affected by this law except precinct in which the county seat is located, and it shall not disturb the present public weighers but shall take effect December 1, 1926.

Rev. Civil Stats., 1925, Vol. 2, Title 93, ch. 6, p. 1598.

Sec. 5680 (1919). "Public weigher" defined.—Any person engaged in the business of public weighing for hire, or any person, who shall weigh or measure any commodity, produce or article, and issue therefor a weight certificate or weight sheet, which shall be accepted as the accurate weight upon which the purchase or sale of such commodity, produce or article is based, shall be known as a public weigher, and shall comply with the provisions of this chapter. The provisions of this article shall not apply to the owners, managers, agents or employees of any compress or any public warehouse in their operation as a warehouseman. This exemption shall not apply in any manner to any Texas port.

Sec. 5681 (a1919). Appointment.—The governor is authorized and required to appoint five persons as public weighers in every city which receives annually one hundred thousand bales of cotton on sale or for shipment. In all cities and towns which receive as much as fifty thousand bales of cotton, twenty-five thousand tons of cotton seed; one hundred thousand bushels of grain or rice, one hundred thousand pounds of wool; five thousand barrels of sugar, or any other commodity in large quantities, it shall be lawful for the governor to appoint a sufficient number of public weighers for such city or town to carefully and accurately weigh all produce tendered for the purpose of weighing for shipment.

Sec. 5682 (1919). Recommendation for appointment.—No man shall be appointed as such weigher unless he shall receive the indorsement of the senator and a majority of the representatives from the senatorial district where such appointee would hold such office.

Sec. 5683. Election.—In all counties in which there are no city or cities in which the governor is authorized to appoint public weighers, there shall be elected at each general election a public weigher for each justice precinct in the manner and form governing the election of other precinct officers. The commissioners court at the regular February term preceding the election may unite two or more justice precincts for the purpose of electing such public weighers.

Sec. 5683a. Office in counties not less than 25,600 population.—In and for all counties in this State having a population, according to the United States census of 1920, of not less than 25,600 people and not more than 25,700 people, there is created the office of public weigher, whose official headquarters shall be at the seat of such county and who shall discharge and perform at the county seat only, all the duties required by law of any public weigher, and whose qualifications shall be the same as required by law of public weighers elected in precincts, and who shall appoint a sufficient number of deputies to enable him to discharge his duties.

(2) Such public weigher shall take the oath required by the constitution of public officers, and shall give a bond in the sum of $2,500.00, payable, conditioned and to be approved as required in cases of bonds of precinct public weighers, and shall procure a like certificate of authority from the commissioner of markets and warehouses. The deputies of such public weigher shall take such oath and give bond in like manner, which bond, however, shall in the case of such deputies be in the sum of $1,000.00.

(3) At the first regular term of the commissioners' court of such counties, following the passage of this act, such commissioners' court shall appoint a public weigher for its county, who shall serve until the next general election when his successor shall be elected.

(4) This act shall not be construed to suspend the operation of the present law, providing for the election of precinct public weighers, in the counties effected [affected] by this law.

Sec. 5683b. Office in counties having not less than 55,700 population.—In and for all counties in this State having a population according to the United States census of 1920 not less than 55,700 and not more than 55,800 people, there is created the office of public weigher to be filled by two officers of equal rank, whose official headquarters shall be in the county seat of such county and who shall discharge and perform at the county seat only, all the duties required by law of any public weigher and whose qualifications shall be the same as required by law of public weighers elected in precincts, and who shall appoint a sufficient number of deputies to enable them to discharge their duties.

(2) Each of said public weighers shall take the oath required by the constitution of public weighers and give a bond in the sum of $2,500, payable, conditioned and to be approved as required in cases of bonds of precinct public weighers, and shall procure a like certificate of authority from the commissioner of markets and warehouses.

(3) Such public weighers shall be elected by popular vote of the entire county as other county officers. One of said weighers shall fill a place called place No. 1 and the other shall fill the place called place No. 2.

(4) This act shall not be construed to suspend the operations of the present law, providing for the election of precinct public weighers, in the counties affected by this law except precinct in which the county seat is located, and it shall not disturb the present public weighers but shall take effect December 1, 1926.

Sec. 5684. Qualifications of weigher.—No person shall be appointed or elected public weigher unless he is a qualified voter in the city or precinct for which he is appointed or elected and is of a good moral character and unquestioned integrity. He shall have a fair education and be able to keep an accurate set of books as required by this law. No person shall be appointed or elected public weigher, or deputy public weigher who is interested in the buying or sale of cotton, wool, sugar or grain to be weighed, either as principal, agent, factor, commission merchant or employee.

Sec. 5685. Term and removal.—All public weighers appointed by the governor or elected for any precinct shall hold their office for the term of two years.

Sec. 5686. Abolishing elective office.—When the people of any subdivision of a county that has an elective weigher may wish to abolish said office of public weigher, the commissioners court of said county shall, upon petition to abolish said office signed by qualified voters at least one-third in number of the whole vote cast for governor at the last preceding election in the weigher's precinct, order an election to decide whether such office of public weigher of the subdivision named in the petition, shall be abolished or not. Said election shall be held in the same manner as other elections. If a majority of the votes of the subdivision of the county ordering said election shall be cast in favor of abolishing any office of public weigher, the commissioners court shall declare such office to be abolished within thirty days after the election; and another election for this purpose shall not be held for two years.

Sec. 5687. Bond of appointed weigher.—Every public weigher appointed by the governor, shall file a bond payable to the State of Texas in the sum of five thousand dollars, conditioned that he will accurately weigh, or measure all produce tendered to him for weighing or measuring, and that all certificates of weights issued by him shall represent a true and accurate weight of the produce so weighed and that he will comply with the laws governing public weighers, and that he will not permit any one to molest, mutilate or destroy any article, produce or commodity while in his possession. Such bond shall not be void on first recovery, but may be sued on by any person injured by such public weigher. All bonds given by such public weighers or their deputies shall be subject to approval by the commissioner of markets and warehouses.[4]

Sec. 5688 (1903). Bond of elective weigher.—Each public weigher elected for a precinct shall execute a bond payable to the county judge in the sum of five thousand dollars to be approved by the commissioners court, conditioned upon the faithful and impartial performance of the duties of his office. The bond of a weigher for a precinct where not over five thousand bales of cotton are received for sale or shipment shall be two thousand five hundred dollars.

Sec. 5689. Filing bond and oath of office.—Each public weigher, whether elected or appointed, before entering upon his duties as such, shall take and subscribe to the official oath and file said oath and his bond with the county clerk of the county in which he resides.

Sec. 5690 (1919). Certificate of authority.—All public weighers or deputy public weighers, appointed or elected shall obtain from the commissioner of markets and warehouses [5] a certificate of authority to carry on the business of public weigher or deputy public weigher within the city, town, precinct or shipping point for which he was elected or appointed.

Sec. 5691 (1921). Deputy weighers.—Each public weigher, appointed or elected, shall have the right, and it shall be his duty to appoint a sufficient number of deputies in each precinct, to weigh all produce tendered for the purpose of weighing, at any and all points within such precinct. He shall require of each of said deputies to file a bond in the penal sum of one thousand dollars, under the same terms and

[4] The office of commissioner of markets and warehouses was abolished and the duties vested in the commissioner of agriculture by Laws, 1925, ch. 13.

[5] See note, p. 791.

conditions as the bond which he filed with the commissioners court of the county in which he resides, before he shall be permitted to engage in the business of deputy public weigher; such bond so filed, shall be payable to the State of Texas, and shall be subject to the approval of the commissioners court of the county in which he resides, and certified to the commissioner of markets and warehouses, before such deputy public weigher shall be entitled to engage in the business of public weighing. Such public weigher shall have the right to appoint a sufficient number of deputies to serve at will of the public weigher, to aid him in weighing or measuring any commodity that is tendered to him for weighing.

Sec. 5692. Special weighers.—In all counties of this State in which there are two or more cities, towns or shipping points that receive as much as fifty thousand bales of cotton, or twenty-five tons of cotton seed, or one hundred thousand bushels of grain, or two hundred thousand bushels of rice, or one hundred thousand pounds of wool, or five thousand barrels of sugar, or any other commodity in large quantities, it shall be lawful for the governor to appoint a sufficient number of weighers for such county to carefully and accurately weigh all commodities tendered for the purpose of weighing for shipment, sale or purchase. This article shall not apply to Galveston and Neuces Counties. All such appointments shall be made by the governor on the recommendation of the senator from whose senatorial district such appointment is made, together with a majority of the representatives in the legislature from such senatorial district. No man shall be appointed unless he shall receive the endorsement of the senator and a majority of the representatives from such district. Every public weigher so appointed shall file a bond payable to the State of Texas, in the sum of five thousand dollars, conditioned that he will accurately weigh, or measure, all commodities tendered to him in said county for weighing or measuring, and that all certificates of weight issued by him shall represent a true and accurate weight of such produce so weighed, and otherwise complying with the law governing the conditions of bonds required of public weighers. Such bond so given shall not be void upon first recovery but may be sued on successively by any and all persons who are injured by such public weigher. Such public weigher shall have the right to appoint a sufficient number of deputies to aid him in weighing or measuring any commodity that is tendered to him for weighing. All bonds given by such public weighers or their deputies shall be subject to the approval of the commissioner of markets and warehouses, and all bonds and oaths of such public weighers or their deputies shall be filed with said commissioner.

Sec. 5693 (1919). Must comply with law.—No one shall be allowed to pursue the business of weighing for the public or grant a certificate or weight sheet upon which a purchase or sale is made unless he comply with the provisions of this chapter.

Sec. 5694 (1917). Commissioner to supervise.—All public weighers in this State as provided for in this chapter, shall be under the supervision of the commissioner of markets and warehouses [6] and all weights made by them shall be subject to his approval. In any case where any discrepancy arises as to weights or measures of cotton or other

[6] See note, p. 791.

farm products, made between public weighers in different sections of this State, or between public and private weighers, the difference shall be subject to review by the commissioner; and any party who may be dissatisfied with the weights or measures of any public or private weigher, may appeal to the commissioner, and have such cotton or other farm products re-weighed or re-measured, for the purpose of ascertaining and deciding the correct weight and measure thereof. The scales of all public and private weighers weighing cotton and other products shall at all reasonable times be subject to inspection by the commissioner, or his duly authorized representative. Compliance with this article shall be absolute prerequisite to the right to institute and maintain any action concerning the subject matter hereof, in any court of this State. The authority herein conferred upon the commissioner, to review the weights, shall not be construed as in any manner affecting the selection of public weighers or of fixing the charge to the public of such public weighers.

Sec. 5695. Duty of commissioner.—The commissioner of markets and warehouses [7] shall issue a certificate of authority to all persons engaged in the business of weighing for the public; carefully and accurately test all scales, weights, beams and measures, used by such public weighers at least once every twelve months, and charge such public weigher a fee of five dollars for such inspection, which fee shall be paid, by the commissioner into the State treasury; such inspection fee to be collected at the time of the certificate of authority is issued to any public weigher or deputy public weigher in this State, and such fee shall be collected annually thereafter from all persons engaged in the business of public weigher.

Sec. 5696. Weight certificates.—The commissioner shall prescribe the form of weight certificate to be used by all public weighers in this State, which certificate shall be known as a State certificate of weights and measures. Such certificate shall state thereon the kind of produce; the number of same, the date of the receipt of the produce, the owner, agent, or consignee, the total weight of the produce, the vessel, railroad, or other means by which the produce was received, and any trade or other mark thereon; and such other information as may be necessary to distinguish or identify the produce from a like kind. No certificate other than the one herein prescribed shall be used by any public weigher in this State, and such certificate when so made and properly signed, shall be prima facie evidence of such weight. All certificates of weights and measures or weight sheets as provided for in this chapter shall contain the accurate and correct weight of any and all commodities weighed when issued by public weighers.

Sec. 5697. Seal.—Every public weigher in this State shall provide himself with a seal, consisting of a star of five points, and shall have inscribed on the outer margin thereof the words, "Public weigher, Precinct No.——, ——— County, Texas," or "Public weigher, ——— city, Texas," which seal shall be impressed upon each weight certificate issued by such public weigher, or deputy public weigher, on all weight sheets made out by them.

Sec. 5698. Record of weights.—All public weighers shall keep and preserve in a well-bound book a correct and accurate record of all

[7] See note, p. 791.

weights by them, as provided in this chapter, which record shall at all times be open for inspection to the public and to the commissioner of markets and warehouses, his deputies or inspectors. Such record shall be uniform throughout the State, and the form of such record shall be prescribed by the commissioner.

Sec. 5699. Piled or stored separately.—All amounts, lots, or shipments or consignments of produce, after having been weighed, shall be piled or stored separately as nearly as can be, in order that amounts, lots, shipments or consignments, may be distinguished from other lots, shipments, or consignments of like kind.

Sec. 5700. To tag or mark article.—All public weighers in weighing any commodity, produce, or article, shall immediately tag or mark such commodity, produce or article that has been weighed by him so as to distinguish same from that which has not been weighed.

Sec. 5701. Reweighing.—When any doubt or difference arises as to the correctness of the net or gross weight of any amount, or a part of a commodity, produce or article, for which a certificate of weight or measure has been issued, as provided in this State, by the public weigher, the owner, agent or consignee, may, upon complaint to the commissioner of markets and warehouses,[8] have said amount, or part of any commodity, produce or article reweighed by the commissioner, or his deputy, or by a public weigher designated by the commissioner by depositing with the commissioner sufficient money to defray the cost of reweighing such article or commodity. If on reweighing, it is discovered that fraud or carelessness, or any faulty weighing apparatus was the cause of a discrepancy in weights, the cost of reweighing shall, in all instances, be borne by the public weigher who issued the weight sheet or weight certificate.

Sec. 5702. Suspension or dismissal.—Whenever any public weigher, or deputy public weigher appointed or elected under the provisions of this chapter shall be guilty of malfeasance in office, or who is grossly incompetent in the performance of his duties, he shall be subject to suspension or dismissal from office by the commissioners court of the county in which he resides, or by the governor, should he be appointed by the governor. In all cases it shall be the duty of the commissioner of markets and warehouses, [8] to file with the commissioners court or the governor the specific charges alleging malfeasance, misfeasance, dishonesty or incompetency or other cause. Such case may be set down for hearing not less than ten nor more than thirty days from the filing of such charges. The accused shall be furnished a copy of such charges and be notified of the date set for hearing of his case. He shall have the right to be represented by an attorney, to introduce evidence in his own behalf, and to have compulsory process for witnesses and the production of records. If he is found guilty, the commissioners court or governor shall immediately discharge him as a public weigher: *Provided*, He may have the right of appeal to the district court of his county or to the district court of Travis County.

Sec. 5703. Factor or commission merchant.—It shall not be lawful for any factor, commission merchant, or other person or persons, to employ any other than a public weigher, or his deputies to weigh

[8] See note, p. 791.

cotton, wool, sugar, hay, or grain, or other produce, sold or offered for sale in any city or justice precinct having a public weigher duly qualified. Whoever violates any provision of this article shall be liable at the suit of the public weigher to damages in any sum not less than five dollars for each bale of cotton, bale or sack of wool, ton of hay, or ton of grain, so unlawfully weighed.

Sec. 5704 (1905). Owner may weigh, etc.—Nothing in this chapter shall prevent any person, firm or corporation from weighing his own cotton, wool, sugar, hay, grain or pecans in person. In places where there are no public weighers appointed or elected, any person who shall weigh cotton, wool, sugar, grain, hay, or pecans for compensation shall be required before weighing such produce to enter into a bond for twenty-five hundred dollars approved and payable as in case of public weighers referred to in this chapter, and conditioned that he will faithfully perform the duties of his office and turn over all property weighed by him on demand of the owner. This article shall not apply to merchant flouring mills.

Rev. Civil Stats., 1925, Vol. 2, Title 86, ch. 2, p. 1476.

Sec. 5295 (1873). Surveyors to establish true meridian, etc.—Each surveyor shall, in some convenient place at the county seat, establish a true meridian by a substantial monument, to be erected at the expense of the county, and shall adjust to the said meridian all compasses or other such instruments before being used; and shall keep in his office a standard chain of the true measurement of ten varas, to which all of his chains shall be adjusted before being used. All surveyors shall be responsible to parties interested for any cost that may accrue in rectifying any errors that may occur in their work by reason of neglect or failure to comply with the requirements of this article.

Rev. Crim. Stats., 1925, Title 13, ch. 6, p. 195.

Sec. 937 (a1919). Oysters; barrel and box; dimensions of box; number of gallons of shucked oysters to barrel.—There is hereby levied a tax of not less than one-fifth of one per cent per pound on all fish and shrimp taken and sold or offered for sale in this State, and not less than two cents a barrel on all oysters sold or offered for sale * * *. For all purposes mentioned in this chapter a barrel of oysters shall be deemed to consist of three boxes of oysters in the shell, said boxes to be ten inches wide by twenty inches long and thirteen and one-half inches in depth. In filling such boxes for measurement, such oysters shall be placed so as not to fill such box more than two and one-half inches in the center above the height of the box. Two gallons of shucked oysters without their shells shall be deemed equal to one barrel of oysters in the shell. * * *

Sec. 938. Using unlawful measurement for oysters.—Whoever shall use any measurement other than that established in article 937 for the measurement of oysters in the purchase and sale of oysters, shall be fined not less than ten and not more than twenty-five dollars, and any person who shall fill the measuring box, in the buying and selling of oysters, higher than two and one-half inches in the center of such box, shall be fined not less than ten nor more than twenty-five dollars.

Rev. Crim. Stats., 1925, Title 17, ch. 13, p. 326.

Sec. 1489 (1905). Feeding stuffs, how marked.—Every lot or parcel of feeding stuffs, used for feeding farm live stock, sold, offered or exposed for sale in this State, for use within the State, shall have attached a tag described in article 1492, carrying a plainly printed statement clearly and truly certifying the number of net pounds of feeding stuff in the package. * * *

Rev. Civ. Stats., 1925, Vol. 1, Title 60, p. 1036.

Sec. 3881°. Weights of feeding stuffs.—Feeding stuff shall have the following standard net weights per sack or container: One hundred pounds, or the following fractions thereof, three-fourths, one-half, one-fourth, one-sixth, one-eighth, one-tenth, one-twelfth, one-sixteenth, and one-twentieth; and rice bran may also be sold in sacks of one hundred and forty-three pounds. No tax tags shall be issued for any feeding stuff which does not conform to the weights herein prescribed.

Rev. Civil Stats., 1925, Vol. 1, Title 4, ch. 5, p. 29.

Sec. 94 (1911). Net weight to be stamped on fertilizers.—All corporations, firms, or persons, before selling or offering for sale any commercial fertilizer for use within this State, shall brand or attach to each bag, barrel or package a plainly printed statement, showing the brand or name of said fertilizer, the net weight of the contents of the package, the name and address of the corporation, firm or person registering said fertilizer * * *. All branding or labeling must be durable and legible, and so placed and arranged as to be easily read.

Sec. 106. Weight of bags or packages; weight, how ascertained; penalty for failure to make good deficiency, etc.—All fertilizers or fertilizing materials sold or offered for sale for use within this State shall be in bags or packages of one hundred pounds net weight, except as provided in the preceding article [sec. 105].[9] The weight of fertilizers shall be ascertained by the inspectors of the State chemist before drawing a sample, or by the purchaser within ten days of delivery to him, in the presence of at least two disinterested witnesses, one chosen by the purchaser and the other by the manufacturer, and the purchaser shall within five days notify the manufacturer to make good the deficiency. Upon failure of the manufacturer to do so within twenty days thereafter he shall be liable to a penalty of three dollars for each sack, barrel or package, which immediately attaches and becomes recoverable by the State, one-half of the penalty so received to be paid to the purchaser in case of a sale. If any such manufacturer shall refuse, decline or neglect to be present or to choose a witness within six days as herein provided after having been notified or requested in writing by the purchaser so to do, then he shall have forfeited his right to do so and the purchaser may select two witnesses who shall select a third, and the three shall proceed to ascertain said weight.

Rev. Civil Stats., 1925, Vol. 2, Title 128, ch. 1, p. 2170.

Sec. 7538 (1917). Measurement of flowing water.—A cubic foot of water per second of time shall be the standard unit for the measure-

[9] Sec. 105 refers to sale of fertilizer in bulk.

ment of flowing water for the purpose of distributing water for beneficial uses.

Sec. 7539. Standard unit.—The standard unit for volume of static water shall be the acre-foot.

Sec. 7540. Quantity of water.—A cubic foot per second of time is the quantity of water that will pass through an area of one square foot in one second, when flowing at an average velocity of one foot per second.

Sec. 7541. Acre-foot defined.—An acre-foot is the quantity of water required to cover one acre one foot deep.

Rev. Civil Stats., 1925, Vol. 2, Title 95, Div. 2, p. 1669.

Sec. 5912 (1907). Coal scales.—The owner or operator of every coal mine shall provide adequate and accurate scales for weighing coal; the mine inspector shall examine such scales, and if same are not found to be accurate, he shall notify the owner to repair same; and if such owner fails or refuses to repair same within a reasonable time, said inspector shall institute proceedings under the law against the proper parties.

Sec. 5913. Checkweighman.—The employees in any mine shall have the right to employ a checkweighmen [checkweighman] at their own option and their own expense.

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Comp. Laws, 1917, Title 115, p. 1215.

Sec. 6276 (1915). U. S. standard adopted.—The weights and measures received from the United States under a resolution of Congress approved June 14th, 1836, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or in renewal thereof, and such as shall be supplied by the State in conformity therewith, and certified by the National Bureau of Standards, shall be the State standards of weights and measures.

Sec. 6277. Office and working standards; verification; use.—In addition to the State standards of weights and measures, provided for above, there shall be supplied by the State at least one complete set of copies of these, to be kept at all times in the office of the State superintendent, and to be known as office standards; and such other weights, measures and apparatus as may be found necessary to carry out the provisions of this title, to be known as working standards. Such weights, measures, and apparatus shall be verified by the State superintendent, or his deputy or inspector, at his discretion, upon their initial receipt, and at least once in each year thereafter, the office standards by direct comparison with the State standards, the working standards by comparison with the office standards. When found accurate upon these tests the office and working standards shall be certified to by the superintendent. The office standards shall be used in making all comparisons of weights, measures, and weighing or measuring devices submitted for test in the office of the superintendent, and the State standards shall be used only in verifying the office standards and for scientific purposes.

Sec. 6278, as amended by Laws, 1921, ch. 142, p. 387. State superintendent of weights and measures; deputy and inspectors.—The State commissioner of agriculture shall be ex officio superintendent of weights and measures. There shall be a deputy superintendent of weights and measures and inspectors of weights and measures, the deputy and inspectors to be appointed by the superintendent. The superintendent of weights and measures shall be allowed, for salaries for the deputy superintendent of weights and measures, inspectors of weights and measures, clerical services, traveling and contingent expenses for himself, his deputy, and inspectors, such sums as shall be appropriated by the legislature.

Sec. 6279 (1915). Superintendent and deputy to give bonds; terms.—The State superintendent of weights and measures shall forthwith, on his appointment, give a bond in the penal sum of $2,000, with sureties to be approved by the secretary of state, for the faithful performance of the duties of his office and for the safe keeping of the standards entrusted to his care, and for the surrender thereof immediately to his successor in office or to the person appointed by

the governor to receive them. The deputy superintendent of weights and measures, and each inspector of weights and measures shall forthwith, upon his appointment, give a bond in the penal sum of $1,000, with sureties to be approved by the secretary of state, for the faithful performance of the duties of his office and for the safe keeping of any apparatus entrusted to his care.

Sec. 6280. Custody and care of standards; duty of superintendent; report.—The superintendent of weights and measures shall take charge of the standards adopted by this title as the standards of the State, and cause them to be kept in a fireproof building belonging to the State (or in a safe and suitable place in the office of the superintendent), from which they shall not be removed except for repairs or for certification, and he shall take all other necessary precautions for their safe-keeping. He shall maintain the State standards in good order, and shall submit them at least once in ten years to the National Bureau of Standards for certification. He shall keep a complete record of the standards, balances, and other apparatus belonging to the State, and take a receipt for same from his successor in office. He shall biennially, on the 15th day of December, make to the governor a report of all work done by his office.

Sec. 6281. Tests of city standards; biennial inspections.—The superintendent of weights and measures, or his deputy or inspectors at his discretion, shall, at least once in five years, try and prove by the office standards all standard weights, measures, and other apparatus which may belong to any city required to appoint a sealer and purchase and keep standards of weights and measures by the provisions of this title, and shall certify to such when found to be accurate. The State superintendent, or his deputy or inspectors at his direction, shall, at least once in two years, visit these cities for the purpose of inspecting the work of the local sealers, and in the performance of such duties they may inspect the weights, measures, balances, or any other weighing or measuring device of any citizen, firm, or corporation, and shall have the same powers as the local sealer of weights and measures. The superintendent shall issue from time to time regulations for the guidance of city sealers, and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties.

Sec. 6282. General supervision; inspection at State institutions.—The State superintendent of weights and measures shall have and keep a general supervision of the weights and measures, and weighing or measuring devices offered for sale, sold, or in use in the State. He, or his deputy or inspectors, at his direction, shall, at least once annually, test all scales, weights, and measures used in checking the receipts or disbursements of supplies in every institution for the maintenance of which moneys are appropriated by the legislature, and he shall report in writing his findings to the supervisory board and to the executive officer of the institution concerned, and, at the request of such board or executive officer, the superintendent of weights and measures shall appoint in writing one or more employes then in actual service of the institution, who shall act as special deputies without extra compensation, for the purpose of checking the receipts or disbursements.

Sec. 6283. General powers and duties of superintendent; annual inspections.—When not otherwise provided by law, the State superintendent shall have the power, and it shall be his duty in those parts of the State in which a city sealer is not required to be appointed by the provisions of this title, to inspect, test, try, and ascertain if they are correct, all weights, measures and weighing or measuring devices kept, offered, or exposed for sale, sold, or used or employed by any proprietor, agent, lessee, or employee, in proving the size, quantity, extent, area, or measurement of quantities, things, produce or articles for distribution or consumption, purchased or offered or submitted by such person or persons for sale, hire, or award; and he shall have the power to, and shall from time to time weigh or measure and inspect packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered for sale, or sold in a manner in accordance with law. He shall, at least once each year and as much oftener as he may deem necessary, see that all weights, measures, and weighing or measuring devices used are correct. He may, for the purpose above mentioned, and in the general performance of his official duties, enter and go into or upon, and without formal warrant, any stand, place, building, or premises, or stop any dealer whatsoever, and require him, if necessary, to proceed to some place which the State superintendent may specify, for the purpose of making the proper tests. Whenever the State superintendent finds a violation of the statutes relating to weights and measures, he shall cause the violator to be prosecuted.

Sec. 6284. Correct standards to be sealed.—Whenever the State superintendent compares weights, measures, or weighing or measuring instruments and finds that they correspond, or causes them to correspond with the standards in his possession, he shall seal or mark such weights, measures, or weighing or measuring instruments with appropriate devices.

Sec. 6285. Incorrect standards to be condemned; may be confiscated, when.—The State superintendent shall condemn and seize and may destroy incorrect weights, measures, or weighing or measuring devices which in his best judgment are not susceptible of satisfactory repair; but such as are incorrect and yet may be repaired, he shall mark or tag as "condemned for repairs." The owner or user of any weights, measures, or weighing or measuring devices of which such disposition is made shall have the same repaired or corrected within ten days except upon satisfactory showing the superintendent may extend such time, and they may neither use nor dispose of the same in any way, but shall hold the same at the disposal of the superintendent. Any weights, measures, or weighing or measuring devices which have been "condemned for repairs," and have not been repaired as required above, shall be confiscated by the superintendent.

Sec. 6286. Powers and duties of deputy and inspectors.—The powers and duties given to and imposed upon the State superintendent of weights and measures by sections 6283–6285 are hereby given to and imposed upon his deputy and inspectors also, when acting under his instructions and at his direction.

Sec. 6287. City sealer; appointment; salary; deputies.—There shall be a city sealer of weights and measures in cities of not less than twenty-

five thousand population, according to the latest official State or United States census, to be appointed by the mayor and city commission. He shall be paid a salary, to be determined by the mayor and city commission, and no fee shall be charged by him or by the city for the inspecting, testing, or sealing, or the repairing or adjusting of weights, measures, or weighing or measuring devices. Whenever the mayor and city commission shall deem it necessary, one or more deputy sealers of weights and measures may be appointed and their salary fixed as above. All deputies appointed, shall have the same powers, and may perform the same duties as the city sealer, when acting under his instructions and direction.

Sec. 6288. Bond of city sealer.—The city sealer of weights and measures shall forthwith, on his appointment, give a bond in the penal sum of $1,000, with sureties to be approved by the appointing power, for the faithful performance of the duties of his office.

Sec. 6289. City standards; custody.—The mayor and city commission of each city required to appoint a sealer under the provisions of this title shall procure at the expense of the city, and shall keep at all times, a set of weights and measures and other apparatus as complete and of such materials and construction as the said superintendent of weights and measures may direct. All such weights, measures, and other apparatus, having been tried and accurately proven by the State superintendent, shall be sealed and certified to by him as hereinbefore provided, and shall be then deposited with and preserved by the city sealer as public standards for each city.

Sec. 6290. Powers and duties of city sealer.—Where not otherwise provided by law, the city sealer shall have the same powers and shall perform the same duties within his city as are granted to and imposed upon the State superintendent of weights and measures by sections 6283–6285.

Sec. 6291. Records; report.—The city sealer shall keep a complete record of all of his official acts, and shall make an annual report, duly sworn to, on the 30th day of November, to the State superintendent of weights and measures, on blanks furnished by the latter; and also, any special reports that the latter may request.

Sec. 6292. Police powers of inspectors and sealers.—The superintendent of weights and measures, his deputy and inspectors, and the city sealers and deputy sealers of weights and measures, are hereby made special policemen, and are authorized and empowered to arrest, without formal warrant, any violator of the statutes in relation to weights and measures, and to seize for use as evidence, without formal warrant, any false or unsealed weight, measure, or weighing or measuring device or package or amount of commodity found to be used, retained, or offered or exposed for sale or sold in violation of law.

Sec. 6293. Unlawful interference; penalty.—Any person who shall hinder or obstruct in any way the superintendent of weights and measures, his deputy or inspectors, or any city sealer or deputy sealer of weights and measures, in the performance of his official duties, shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not less than $20.00 or more than $200.00, or by imprisonment in the county jail for not more than three months, or by both such fine and imprisonment.

Sec. 6294. Misrepresentation; use of counterfeit seal; penalty.—Any person who shall impersonate in any way the superintendent of weights and measures, his deputy or inspectors, or any city sealer or deputy sealer of weights and measures, by the use of his seal or counterfeit of his seal, or otherwise, shall be guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not less than $100.00, and imprisonment not more than one year, or by both such fine and imprisonment.

Sec. 6295. Unlawful to sell coal, etc., except by weight measure; record.—It shall be unlawful to sell or offer to sell any coal, coke, or charcoal in any other manner than by weight. It shall be unlawful for any person to deliver any coal, coke, or charcoal without each such delivery being accompanied by a delivery ticket and a duplicate thereof, on each of which shall be in ink or other indelible substance, distinctly expressed in pounds, the gross weight of the load, the tare weight of the delivery vehicle, and the quantity or quantities of coal, coke, or charcoal contained in the vehicle used in such deliveries, with the name of the purchaser thereof, and the name of the dealer from whom purchased. One of these tickets shall be surrendered to the State superintendent, his deputy or inspectors, or a city sealer or deputy sealer of weights and measures, upon his demand for his inspection, and this ticket or weight slip issued by him when he desires to retain the original shall be delivered to the said purchaser of said coal, coke, or charcoal, or his agent or representative, at the time of the delivery of the fuel; and the other tickets shall be retained by the seller of the fuel. When the buyer carries away the purchase, a delivery ticket showing the actual number of pounds delivered to him must be given to him at the time the sale is made.

Sec. 6296. Measurement of food products in packages; net contents to be marked; proviso; package defined.—It shall be unlawful to keep for the purpose of sale, or sell, or offer or expose for sale, any food products in package form, unless the net quantity of the contents be plainly and conspicuously marked on the outside of the package, in terms of weight, measure, or numerical count: *Provided, however*, That reasonable variations or tolerances shall be permitted, and that these reasonable variations or tolerations and also exemptions as to small packages shall be established by rules and regulations made by the dairy and food bureau: *And provided, further*, That this section shall not be construed to apply to those commodities in package form, the manner of the sale of which is specifically regulated by the provisions of other sections of this title. The word "package," as used in this section, shall be construed to include the package, carton, case, can, box, barrel, bottle, phial, or other receptacle put up by the manufacturer; or, when put up prior to the order of the commodity, by the vendor, which may be labeled, branded, or stenciled, or otherwise marked, or which may be suitable for labeling, branding, or stenciling, or marking otherwise, making one complete package of the commodity. The word "package" shall be construed to include both the wholesale and the retail package, with the exception of shipping cases when contents are properly marked.

Sec. 6297. Dry goods; net amount to be marked; definition.—It shall be unlawful to keep for the purpose of sale, offer or expose for sale,

or sell any commodity composed in whole or in part of cotton, wool, linen, or silk, or any other textile material on a spool or similar holder, or in a container or band, or in a bolt or roll, or in a ball, coil, or skein, or in any similar manner, unless the net amount of the commodity in terms of weight or measure shall be definitely, plainly, and conspicuously marked on the principal label, if there be such a label; otherwise, on a wrapping, band, or tag attached thereto. The words "spool or similar holder, container, or band, bolt, or roll, or ball, coil, or skein," shall be construed to include the spool or similar holder, container or band, bolt or roll, or ball, coil or skein put up by the manufacturer; or when put up prior to the order of the commodity, by the vendor. It shall be held to include both the wholesale and the retail package.

Sec. 6298. Sale of butter and oleomargarine; sizes of packages; net weight to show.—It shall be unlawful for any person to sell, or offer to sell, any butter or renovated or process butter or oleomargine in any other manner than by weight. It shall be unlawful for any person to put up, pack, or keep for the purpose of sale, offer or expose for sale, or sell any butter, or renovated or process butter or oleomargine in the form of prints, bricks, or rolls in any other than the following sizes, to wit: One-quarter pound, one-half pound, one pound, one and one-half pounds, or multiples of one pound. Each print, brick, or roll shall bear a definite, plain and conspicuous statement of its true net weight, on the principal label, where there be such a label, otherwise on the outside wrapper thereof; such statement shall be in Gothic type, not less than twelve point. The prints, bricks, or rolls referred to in this section shall be construed to include those prints, bricks, or rolls put up by the manufacturer or producer; or when put up prior to the order of the commodity by the vendor.

Sec. 6299. Bread; labeled to show weight and name of manufacturer.—All bread kept for the purpose of sale, offered or exposed for sale, or sold shall be sold by weight. To each loaf of bread shall be attached a label plainly showing its correct weight and the firm name of the manufacturer thereof, the size of the label and type to be used to be specified by the State superintendent of weights and measures. It shall be unlawful for any person to make or keep for the purpose of sale, offer or expose for sale, or sell any bread other than such as shall be in accordance with the provisions of this section.

Sec. 6300. Measurement of liquid and other commodities; vegetables and fruit.—It shall be unlawful to sell, except for immediate consumption on the premises, liquid commodities in any other manner than by weight or liquid measure, or commodities not liquid in any other manner than by measure of length, by weight, or by numerical count: *Provided, however*, That nothing in this section shall be construed to prevent the sale of vegetables, fruits, and produce in the standard barrel[1] adopted by the United States Government, or of berries and small fruit in boxes as provided in section 6301, usually sold by the head or bunch, in this manner. For the purposes of this section, the term "commodities not liquid" shall be construed to in-

[1] See p. 20 for United States law.

clude goods, wares, and merchandise which have heretofore been sold by measure of length, by weight, by measure of capacity, or by numerical count, or which are susceptible of sale in any of these ways.

Sec. 6301. Berries and small fruit; measurement and sale.—It shall be unlawful after the 1st day of August, 1915, to sell or offer to sell any berries or small fruits in any other manner than by weight, or in the containers described in this section. It shall be unlawful to procure or keep for the purpose of sale, offer or expose for sale, sell or give away any baskets or other open containers for berries or small fruits, holding one quart or less, or to procure or keep for the purpose of sale, offer or expose for sale, or sell berries or small fruits in baskets or other open containers, holding one quart or less of any other than the following capacities, when level full; one quart having a capacity of 67.2 cubic inches and containing not less than twenty-one ounces; one pint having a capacity of 33.6 cubic inches and containing not less than ten and five-tenths ounces, standard dry measure. It shall be unlawful to use berry cups, boxes, crates, or sacks a second time as receptacles for fruits or vegetables, or to use unclean or insanitary crates, boxes or sacks. It shall be unlawful for any dealer or vendor to transfer berries or small fruits from one container to another, or from the containers in which said fruits or berries is packed by the producer.

Sec. 6302. Sale by weight; construction.—Whenever any commodity is sold on a basis of weight, it shall be unlawful to employ any other weight in such sale than the net weight of the commodity; and all contracts concerning goods sold on a basis of weight shall be understood and construed accordingly. Whenever the weight of a commodity is mentioned in this title, it shall be understood and construed to mean the net weight of the commodity

Sec. 6303. Use of false weights and measures; other violations; penalty.—Any person, who by himself, or by his servant or agent, or as the servant or agent of another person, shall offer or expose for sale, sell, use in the buying or selling of any commodity or thing or for hire or award, or retain in his possession a false weight or measure, or weighing or measuring device, which has not been sealed by the State superintendent or his deputy or inspectors, or by sealer or deputy sealer of weights and measures, within one year, or shall dispose of any condemned weight or measure, or weighing or measuring device contrary to law, or remove any tag placed thereon by the State superintendent, or his deputy or inspectors, or by a sealer or deputy sealer of weights and measures; or who shall sell or offer or expose for sale less than the quantity he represents, or shall take or attempt to take more than the quantity he represents, when as the buyer he furnished the weight, measure, or weighing or measuring device by means of which the amount of commodity is determined; or who shall keep for the purpose of sale, offer or expose for sale, or sell any commodity in a manner contrary to law; or who shall violate any provisions of this title for which a specific penalty has not been provided; or who shall sell or offer for sale, or use or have in his possession for the purpose of selling or using, any device or instrument to be used to, or calculated to, falsify any weight or measure, shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty

dollars or more than two hundred dollars or by imprisonment for not more than three months, or by both such fine and imprisonment, upon the first conviction in any court of competent jurisdiction; and upon the second or subsequent conviction in any court of competent jurisdiction he shall be punished by a fine of not less than $50.00 or more than $500.00, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Sec. 6304. Definition of terms.—The word " person " as used in this title shall be construed to impart both the plural and singular, as the case demands, and shall include corporations, companies, societies, and associations.

The words " weights, measures, or [and] weighing or [and] measuring devices " as used in this title, shall be construed to include all weights, scales, beams, measures of every kind, instruments and mechanical devices for weighing or measuring, and any appliances and accessories connected with any or all such instruments.

The words " sell " or " sale " as used in this title shall be construed to include barter and exchange.

Comp. Laws, 1917, ch. 3, p. 209.

Sec. 570 (a1917). General powers of city council.—The boards of commissioners and city councils of cities shall have the powers in the following sections enumerated:

Sec. 570 x 43. Manner of sale.—To provide for the place and the manner of sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and regulate the selling of the same.

Sec. 570 x 45. Inspection of merchandise.—To provide for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity, and to appoint the necessary officers therefor.

Sec. 570 x 46. Weights and measures; inspection.—To provide for the inspection and sealing of weights, measures, computing scales, and all weighing and measuring devices indicating arithmetical value as well as weight.

Sec. 570 x 47. Same; keeping, enforcement of.—To enforce the keeping of proper weights, measures, computing scales, and all weighing and measuring devices indicating arithmetical values as well as weight.

Comp. Laws, 1917, ch. 2, p. 462.

Sec. 1928 (a1913).—* * * That for the purpose of this chapter an article shall also be deemed to be misbranded: * * *

In case of foods: * * *

3. If in package form, the net quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: *Provided*, That reasonable variations and tolerations shall be permitted by rules and regulations made in accordance with this chapter by the State dairy and food bureau.

Laws, 1925, ch. 85, p. 165.

Sec. 2. Weight of eggs.—Unless the context otherwise requires, the words and phrases employed in this act shall have the meanings hereinafter defined: * * *

(*h*) "Standard size eggs" as used herein refers to eggs weighing twenty-two ounces or over to the dozen.

(*i*) "Pullet size eggs" as used herein refers to eggs weighing under twenty-two ounces to the dozen.

Sec. 3. Grades or standards; rules.—It shall be the duty of the State board of agriculture to establish forthwith, and from time to time, grades or standards of quality and size or weight governing the sale of eggs as permitted by this act, and to make suitable rules and regulations for otherwise carrying out its provisions. Such rules, regulations, and standards of quality and weight shall be filed in the office of the State board of agriculture and shall be in effect thirty days after such filing.

Sec. 4. Unlawful sale of eggs.—It shall be unlawful for any person, firm or corporation to sell or offer or expose for sale any eggs which are intended for human consumption without notifying by suitable signs or label the persons purchasing or intending to purchase the same of the exact grade or quality according to the standards prescribed by the State board of agriculture, and if these eggs are not standard sized eggs, they shall be labeled "pullet eggs."

Sec. 6. Effect of guaranty.—No retailer shall be prosecuted under the provisions of this act when he can establish a guaranty from the person from whom any eggs are purchased, to the effect that said eggs at the time of such purchase conformed to the grade or quality and the size or weight as stated in the invoice: *Provided*, Said eggs have been labeled by the retailer for resale in accordance with the purchase invoice: *And provided, further*, That said guaranty shall not exempt from prosecution any retailer who may have kept the eggs, covered by such guaranty, for such time after their purchase or under such conditions as to cause said eggs to deteriorate into a lower grade or standard.

Sec. 7. Penalty.—Every person who violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00).

Laws, 1919, ch. 39, p. 79.

Sec. 2, as amended by Laws, 1921, ch. 9, p. 35. Net weight to be marked on commercial feeding stuff.—Every lot or parcel of commercial feeding stuffs sold, offered or exposed for sale or distributed within this State shall have affixed thereto a tag or label in a conspicuous place on the outside thereof containing a legible and plainly printed statement in the English language, clearly and truly certifying:

(*a*) The net weight of the contents of the package, lot or parcel; * * *

(*c*) The name and principal address of the manufacturer or distributor of the product. * * *

Comp. Laws, 1917, ch. 4, p. 974.

Sec. 4813°. Regulation of car supply and the weighing of cars and freight; may test weights and scales.—3. The commission [public utilities commission] shall also have power to provide the time within which baggage shall be received, transported, delivered, and stored. The commission shall have power to enforce reasonable regulations for the weighing of cars and freight offered for shipment over any

line of railroad, and to test the weights made by any railroad corporation and scales used in weighing freight on cars.

Sec. 4814. Electric, gas, and water companies; examination and tests.—1. The commission [public utilities commission] shall have power, after hearing, to ascertain and fix just and reasonable standards, classifications, regulations, practices, measurements, or service to be furnished, imposed, observed, and followed by all electrical, gas, and water corporations; to ascertain and fix adequate and serviceable standards for the measurement of quantity, quality, pressure, initial voltage, or other condition pertaining to the supply of the product, commodity, or service furnished or rendered by any such public utility; to prescribe reasonable regulations for the examination and testing of such products, commodity, or service, and for the measurement thereof; to establish reasonable rules, regulations, specifications, and standards to secure the accuracy of all meters and appliances for measurements; and to provide for the examination and testing of any and all appliances used for the measurement of any product, commodity, or service of any such public utility.

2. The commissioners and their officers and employes shall have power to enter upon any premises occupied by any public utility, for the purpose of making the examinations and tests and exercising any of the other powers provided for in this title, and to set up and use on such premises any apparatus and appliances necessary therefor. The agents and employes of such public utility shall have the right to be present at the making of such examinations and tests.

3. Any consumer or user of any product, commodity, or service of a public utility may have any appliance used in the measurement thereof tested, upon paying the fees fixed by the commission. The commission shall establish and fix reasonable fees to be paid for testing such appliances on the request of the consumer or user, the fee to be paid by the consumer or user at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the appliance is found defective or incorrect to the disadvantage of the consumer or user, under such rules and regulations as may be prescribed by the commission.

Laws, 1919, ch. 26, p. 46.

Sec. 1. Carloads of coal, weighing of.—It shall be unlawful for any common carrier organized under the laws of this State, or any common carrier doing business within this State, to collect freight charges from any consignee for coal in carload lots delivered at any point within the State where railroad track scales are owned or used or maintained at the point of delivery or in the line of transit for any weight in excess of the actual weight of the coal delivered to said consignee; and in determining the actual weight of such coal, the common carrier shall be entitled to take the weight of the empty car, as determined by weighing such car at the point where the coal is loaded for shipment, and deduct such weight from the gross weight of the car and coal, as weighed at the point nearest in the line of transit to the point of delivery of said coal to consignee where railroad track scales are owned or used and maintained. Such weighing shall be done within a reasonable time after the arrival of the car at its destination. No charge shall be made to the consignee by such common carrier for such weighing. It is further

provided, that if the difference between the original net weight as determined at the point of shipment and the net weight obtained by reweighing at the track scales nearest in the line of transit to destination, does not exceed 200 pounds on a carload of coal, then the weight determined at the point of shipment shall not be changed.

Sec. 2. Weighman's certificate; when charges due.—Before the payment by the consignee of the freight upon any carload of coal delivered by a common carrier within this State, at a point where track scales are owned or used or maintained, in the line of transit to, or at, the place of delivery, such common carrier shall deliver to said consignee a certificate signed by a competent and disinterested weighman, stating the gross weight of the car and the coal contained therein, as weighed at the track scales nearest in line of transit to, or at the point of delivery thereof to the consignee, and shall endorse on such certificate the weight of such empty car as determined at the point where such coal was loaded, and no freight charges for the transportation of any such coal shall be due or payable until the same has been weighed at the track scales nearest in line of transit to, or at, the point of destination as herein prescribed, and the certificate of the weight thereof given as required by this act.

Sec. 3. Violation of act a misdemeanor.—Any common carrier who shall violate any provision of this act, or who shall collect freight on a carload of coal at a point where railroad track scales are maintained, in the line of transit to, or at, the point of delivery without causing same to be weighed within the time and in the manner required by this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than $100.00 and not more than $299.00.

Sec. 4. Repeals.—That sections 1250, 1251 and 1252, Compiled Laws of Utah, 1917, are hereby repealed.

Cons. Art. 10.

Sec. 11. Metric system to be taught.—The metric system shall be taught in the public schools of the State.

Comp. Laws, 1917, ch. 4, p. 475.

Sec. 1975 (1911). Use of Babcock test; misdemeanor.—In the use of the Babcock test, the standard milk measures or pipettes shall have a capacity of 17.6 cubic centimeters, and the standard test tubes or bottles for milk shall have a capacity of 2 cubic centimeters for each 10 per cent marked on the necks thereof; cream shall be tested by weight and the standard unit for testing shall be 18 grams, and it is hereby made a misdemeanor to use any other standards of milk or cream measure where milk or cream is purchased by or furnished to creameries or cheese factories and where the value of said milk or cream is determined by the percentage of butter fat contained in the same or wherever the value of milk or cream is determined by the percentage of butter fat contained in the same by the Babcock test. * * * Any manufacturer, merchant, dealer, or agent in this State who shall offer for sale or sell a milk pipette or measure, test tube, or bottle, which is not correctly marked or graduated as herein provided, shall be guilty of a misdemeanor. It shall be unlawful for the owner, manager, agent, or any employee of a cheese factory, creamery, or condensed milk factory to falsely manipulate or under-

read or overread the Babcock test or any other contrivance used for determining the quality or value of milk or cream, or to make any false determination by said Babcock test or otherwise.

Sec. 1976. Penalty.—Whoever shall violate any of the provisions of this chapter shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than $25 nor more than $200, or by imprisonment in the county jail for not less than ten days nor more than thirty days; or by both such fine and imprisonment, at the discretion of the court.

Comp. Laws, 1917, ch. 4, p. 741.

Sec. 3464 (a1905). Standard of measurement of water.—The standard unit of measurement of the flow of water shall be the discharge of one cubic foot per second of time, which shall be known as a second foot; and the standard unit of measurement of the volume of water shall be the acre foot, being the amount of water upon an acre covered one foot deep, equivalent to 43,560 cubic feet.

Comp. Laws, 1917, ch. 3, p. 836.

Sec. 3930 (1913). Mine owners to provide scales for weighing coal.—The owner, agent, or operator of every coal mine in this State, at which the miners are paid by weight, shall provide at such mines suitable and accurate scales of standard manufacture for the weighing of all coal which shall be hoisted or delivered from such mines: *Provided*, That when coal is weighed in the miner's car, such car shall be brought to a standstill on the scales before the weight is taken.

Sec. 3931. Weigher to be sworn; record of coal mined.—The owner, agent, or operator of such mine shall require the person authorized to weigh the coal delivered from said mine to be sworn before some person having authority to administer an oath, to keep the scales correctly balanced, to accurately weigh and to correctly record the gross or screened weight to the nearest ten pounds of each miner's car of coal delivered from such mine, and such oath shall be kept conspicuously posted at the place of weighing. The record of the coal mined by each miner shall be kept separate, and shall be opened to his inspection at all reasonable hours, and also for the inspection of all other persons pecuniarily interested in such mine.

Sec. 3932. Miners may furnish checkweighman; duties and powers.—In all coal mines in this State the miners employed and working therein may furnish a competent checkweighman at their own expense, who shall at all proper times have full right of access and examination of such scales, machinery, or apparatus, and of seeing all measures, and weights of coal mined and accounts kept of the same: *Provided*, That not more than one person on behalf of the miners collectively shall have such right of access, examination, and inspection of scales, measures, and accounts at the same time, and that such persons shall make no unnecessary interference with the use of such scales, machinery, or apparatus. The agent of the miners as aforesaid shall, before entering upon his duties, make and subscribe to an oath before some officer duly authorized to administer oaths, that he is duly qualified and will faithfully discharge the duties of checkweighman. Such oath shall be kept conspicuously posted at the place of weighing.

Sec. 3933. Fraudulent weighing a misdemeanor.—Any person, company, or firm having or using any scale or scales for the purpose of weighing the output of coal at mines so arranged or constructed that fraudulent weighing may be done thereby, or who shall knowingly resort to or employ any means whatsoever by reason of which such coal is not correctly weighed or reported in accordance with the provisions of this chapter; or any weighman or checkweighman who shall fraudulently weigh or record the weights of such coal, or connive at or consent to such fraudulent weighing, shall be deemed guilty of a misdemeanor.

Sec. 3934. Coal mine inspector to examine scales.—It shall be the duty of the coal mine inspector, in addition to his other duties, to examine all scales used at any coal mine in the State for the purpose of weighing coal taken out of such mine; and on inspection, if found incorrect, he shall notify the owner or agent of any such mine that such scales are incorrect; and after such notice it shall be unlawful for any owner or agent to use or suffer the same to be used, until such scales are so fixed that the same will give the true and correct weight. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

Sec. 3935. Coal cars to be weighed before and after loading; waybill to show both weights; penalty.—It is hereby made the duty of all persons or corporations engaged in the mining or shipping of coal from any mine or point within the State of Utah to weigh each empty car before it is loaded and to note the weight thereof upon the bill of lading, and to weigh each car after the same is loaded and to note the weight thereof upon the bill of lading or waybill of the same. Any person or corporation violating the provisions of this section shall be guilty of a misdemeanor.

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General Laws, 1917, ch. 246, p. 1008.

Sec. 5868 (a1910). United States standards adopted.—The standards of weight and measure that have been or may be adopted by the United States shall be the standards of weight and measure for this State; and the weights, measures and balances received from the United States under a resolution of Congress, approved June 14, 1836, and such new weights, measures and balances as shall be received from the United States as standard weights, measures and balances in addition thereto, or in renewal thereof, shall be the authorized standards by which all standards of weights and measures of this State shall be tried, proved and sealed.

Sec. 5869, as amended by Laws, 1923, Act. 8, p. 18. State commissioner of industries ex officio commissioner; deputy commissioner.—The commissioner of industries shall, by virtue of his office, be commissioner of weights and measures. He may appoint a deputy commissioner and remove him at pleasure and shall be responsible for his acts. A record of such appointment shall be made in the office of secretary of State.

Sec. 5870, as amended by Laws, 1919, Act No. 161, p. 172. Inspectors; appointment; oath.—Said commissioner may, when necessary, subject to the approval of the governor, appoint inspectors, whose salaries shall be fixed by the board of control and who shall receive their actual and necessary hotel and transportation expenses while away from home on official business. Said inspectors shall be sworn.

Sec. 5871 (a1917). Expenses; assistance.—Said commissioner shall be paid his actual and necessary expenses when away from home on official business. Said commissioner may, subject to the approval of the governor, employ such assistance, clerical or otherwise, as the governor deems necessary for the proper performance of the duties of said commissioner.

Sec. 5872, as amended by Laws, 1919, Act No. 161, p. 172. Duties of commissioner.—Said commissioner shall take charge of the standards adopted by the State, cause them to be kept in the capitol building from which they shall not be removed, except for repairs or for certification, and take all other necessary precautions for their safekeeping. He shall maintain such standards in good order and shall submit them once in ten years to the National Bureau of Standards for certification. He shall inspect the weights, measures and balances of the several towns, and, once in five years and oftener if necessary, compare the same with those in his possession and seal such as are correct; and, unless otherwise provided by law, he shall have a general supervision of the weights, measures and weighing and measuring devices of the State, those in use in the State and those sold or hired or offered for sale, hire or award in the State.

Sec. 5873 (a1912). Town treasurer's duties.—Each town treasurer shall provide and keep in repair in his office whatever weights, measures and balances the town directs. Such weights, measures and balances shall not be legal or used by said treasurer as herein provided, unless proved and sealed as provided in the preceding section. Said treasurer shall prove and seal weights, measures and balances presented to him for that purpose, by comparison of the same with the standards in his office, and shall be entitled to receive from the person presenting the same, ten cents for each article so sealed and a reasonable compensation for alterations.

Sec. 5874 (a1917). Record; powers of commissioner and inspectors to test weight and measures.—Said commissioner shall keep a complete record of the standards and other apparatus in his possession, and take a receipt for same from his successor in office. He and his inspectors shall have the power to inspect, try, test and ascertain if they are correct, and if so, seal same, all weights, scales, beams, measures of every kind, instruments or mechanical devices for measurement, and the tools, appliances or accessories connected with any such instruments or measurements used or employed within the State by a proprietor, agent, lessee or employee in determining the size, quantity, extent, area or measurement of quantities, things, produce, articles for distribution or consumption offered or submitted by such a person for sale, hire, or award.

Sec. 5875 (1910). Inspection and test; report.—Said commissioner or his inspectors shall visit the various towns in order to inspect the work of the town treasurers as sealers; and shall, upon the request of any citizen, firm, corporation or educational institution of the State, test or calibrate weights, measures, weighing or measuring devices and instruments or apparatus used as test standards in the State and shall seal such as are correct. He or his inspectors shall, at least once annually, test all weights, measures and balances used in checking the receipt or disbursement of supplies in State institutions and shall seal such as are correct, and shall report in writing his findings to the executive officer of the institution concerned.

Sec. 5876, as amended by Laws, 1919, Act No. 161, p. 172. Examination of commodities; prosecution.—Said commissioner, his deputy, or his inspectors may, at irregular intervals, examine commodities sold or offered for sale and test them for correct weight, measure or count. He, his deputy, or his inspectors, for such purposes and in the general performances of their official duties may, without formal warrant, enter or go into or upon any stand, place, building or premises, and may stop any vendor, peddler, junk dealer, coal wagon or coal truck, ice wagon or ice truck or any dealer whatsoever, for the purpose of making proper tests; and in exercise of their duties they shall have full police power to enforce all reasonable measures for testing any weighing or measuring devices and for ascertaining whether false or short weights and measures are being given in any sales or transfers of commodities taking place within the State, and they may seize for use as evidence, and hold until final disposition of the same, any commodity, package or other article sold or offered for sale contrary to the law relating to weights and measures. Said commissioner, his deputy, or inspectors may arrest without warrant

and on view, in any part of the State, a person found violating a provision of this chapter and take such person before a magistrate having jurisdiction of the offense, and detain such person in custody at the expense of the State until opportunity is had to notify a prosecuting officer, who shall forthwith prosecute such offender. Grand jurors in such cases shall receive the fees prescribed by section seven thousand four hundred and fifty-one. Except as herein otherwise provided, whenever said commissioner, his deputy, or his inspectors find a violation of the statutes relating to weights and measures, they shall submit the evidence to a proper prosecuting officer in the county in which said violation occurred who shall thereupon prosecute the offender.

Sec. 5877 (1910). Tolerances.—Said commissioner shall, after consultation with and with the advice of the National Bureau of Standards, establish tolerances for use in the State, and such tolerances shall be the legal tolerances in the State.

Sec. 5878. Rules and regulations.—Said commissioner may make suitable rules and regulations to govern the sale of commodities.

Sec. 5879 (a1917). Report.—Said commissioner shall keep a complete record of all work done under his direction and shall, in each even year, make a report to the governor of the work done during the preceding two years. Such report shall also contain such other matter and recommendations as seem pertinent.

Sec. 5880 (a1910). Marking of standards.—The State standards shall be stamped with the letters S. S., and the town standards with the letters T. S., and city standards with the letters C. S.

Sec. 5881 (1910). Marking of weights and measures.—Every weight for use in trade, except when the small size of the weight renders it impracticable, shall have the denomination of such weight permanently marked on the top side thereof in legible figures or letters; and every measure of capacity for use in trade shall have the denomination and kind thereof permanently marked on the outside of such measure in legible figures or letters. A weight or measure not in conformity with this section shall not be sealed by said commissioner, inspectors or town treasurers.

Sec. 5882. Sealing without verifying.—A person authorized to seal weights and measures in accordance with the provisions of this chapter, who stamps a weight or measure without duly verifying the same by comparison with the town standards or is guilty of a breach of any duty imposed upon him by law or otherwise misconducts himself in the execution of his office, shall be liable to removal and shall be fined not more than two hundred dollars for each offense.

Sec. 5883 (a1912). For using false measures after inspection; seizure of same.—A person who, after an inspection of his weighing and measuring devices, or either, uses or has in his possession for use in trade, in public weighing, or in ascertaining the weight of commodities for or in transportation, any weight, measure, scale, balance, steelyard or other weighing or measuring device, which is false or incorrect, or which has been stamped or tagged as condemned by said commissioner, inspectors or treasurers, providing the same has not been afterwards sealed as correct by said officials, shall be fined not more than one hundred dollars for the first offense, and, for each subsequent offense, not more than two hundred dollars. After an in-

spection has been made, any such false or incorrect weight, measure, scale, balance, steelyard or other weighing or measuring device may be seized by any official acting under authority of this chapter, and, on order of the court, the same shall be forfeited.

Sec. 5884, as amended by Laws, 1919, Act No. 161, p. 172. False weights; offenses; penalty.—A person, who himself or by his servant or agent, or as the servant or agent of another, shall offer or expose for sale, sell for use, or use in the buying or selling of any commodity or thing, or for hire, or award, or retain in his possession a false weight or measure, or weighing or measuring device, or who shall dispose of any condemned weight, measure, or weighing or measuring device contrary to law, or remove any tag placed thereon by a sealer of weights and measures without his permission or, who shall sell or offer or expose for sale, less than the quantity he represents, or offers and exposes for sale any such commodity in a manner contrary to law or who shall sell or offer for sale, or have in his possession for the purpose of selling, any device or instrument to be used to, or calculated to falsify any weight or measure, or in purchasing misrepresents the amount purchased shall, upon conviction, except as hereinafter provided, be fined not more than one hundred dollars for the first offense and, for each subsequent offense, not more than two hundred dollars.

Sec. 5885, as amended by Laws, 1919, Art. 161, p. 172. Refusal to present weighing and measuring devices.—A person who neglects or refuses to produce for said commissioner, his deputy, inspectors or town treasurers, all weighing and measuring devices in his possession and used in trade or on his premises, or refuses to permit said officers to examine same, or obstructs the entry of said officers, or obstructs or hinders any officer acting under the authority of this chapter, or knowingly violates a rule or regulation made under the authority of section five thousand eight hundred and seventy-eight, or violates a provision of this chapter for which other penalty is not prescribed, shall be fined not more than two hundred dollars.

Sec. 5886 (a1917). Appointment; duties; penalty.—The commissioner of weights and measures may designate one or more of the employees of a corporation, association, firm or individual, or some other suitable person, to act as a weigher or surveyor for such corporation, association, firm or individual. Such weigher or surveyor shall be appointed for a specified term and shall, before entering upon his duties, make oath faithfully to execute his trust as weigher or surveyor. Said commissioner shall issue a certificate of such designation and shall keep a record of the same. The rights and duties of such weigher or surveyor shall be prescribed by said commissioner, and such weigher or surveyor shall not receive compensation from the State for the duties so performed. Such a weigher or surveyor who misrepresents the quantity of commodities weighed or measured by him, or otherwise misconducts himself in the execution of his duties as weigher or surveyor, may be removed from office and shall be fined not more than two hundred dollars for each offense.

Sec. 5887 (1831). Hundredweight; ton.—A hundredweight shall mean the net weight of one hundred pounds avoirdupois, and a ton, the net weight of two thousand pounds, and contracts or sales concerning the same shall be construed accordingly.

Sec. 5888, as amended by Laws, 1921, ch. 170, p. 152. Bushel of grain and vegetables; peck, quart, pint.—Whenever the commodities hereinafter mentioned are purchased or sold by the bushel, peck, or quart, or multiple or fraction thereof, the bushel of such commodity shall consist of the respective number of pounds herein set forth, viz:[1]

	Pounds		Pounds
Alfalfa seed	60	Kafir corn	56
Apples	48	Millet	50
Apples, dried	25	Oats	32
Barley	48	Onions	52
Beans	60	Parsley	8
Beans, unshelled, green	28	Parsnips	45
Beans, string	24	Peaches	48
Beans, soy	58	Peanuts, green	22
Beets	60	Peanuts, roasted	20
Beet greens	12	Pears	58
Buckwheat	48	Peas	60
Butternuts, dried	28	Peas, unshelled, green	28
Carrots	50	Plums	48
Charcoal	20	Pop-corn	56
Chestnuts	50	Potatoes	60
Clover seed	60	Potatoes, sweet	54
Corn meal	50	Quinces	48
Corn, shelled	56	Redtop seed	14
Corn in ear, husked	70	Rye	56
Corn in ear, unhusked	72	Salt, coarse	70
Cranberries	32	Salt, fine	56
Cucumbers	48	Spelt	40
Dandelions	12	Spinach	12
Emmer	40	Timothy or herd's grass seed	45
Flaxseed	55	Tomatoes	56
Hungarian grass seed	50	Turnips	60
India wheat	46	Wheat	60

The legal peck shall be a fourth part of the bushel, the legal dry quart shall be a thirty-second part of the bushel, and the legal dry pint shall be a sixty-fourth part of the bushel.

Sec. 5889 (1876). Produce to be in good shipping order.—The kinds of produce enumerated in the preceding section shall be in good order for shipping; and beets, turnips, carrots and onions shall be reasonably free from the soil in which they grew and fairly trimmed of their tops.

Sec. 5890 (a1917). Maple syrup; weight per gallon; penalty.—The legal weight of a gallon of maple syrup shall be not less than eleven pounds and the legal measure thereof shall be two hundred and thirty-one cubic inches. Whenever maple syrup is sold by the gallon, quart, pint, or gill, or multiple or fraction thereof, it must be sold according to such legal weight and measure. The legal quart shall be a fourth of a gallon; the legal pint, an eighth of a gallon; and the legal gill, a thirty-second of a gallon. A person who sells or offers for sale a less quantity of maple syrup than represented or sells the same in a manner contrary to law shall be fined not more than five dollars for the first offense, and for each subsequent offense, not more than ten dollars.

Sec. 5891 (a1828). Lime and ashes.—One bushel and three-quarters of a peck shall be deemed a bushel of lime or ashes, and contracts concerning the same shall be understood accordingly.

Sec. 5892 (1855). Cord.—A pile of wood or bark four feet high, four feet wide and eight feet long, well packed, shall be a cord; and, in measuring the length of wood, only half the kerf shall be included.

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[1] A slight change has been made in the arrangement for convenience of reference.

Sec. 5893 (1876). Milk.—The standard measure of milk shall be wine measure.

Sec. 5894 (1884). Saw logs and round timber.—In bargains for or sales of saw logs or round timber by measure, the number of feet, unless otherwise stipulated by the parties, shall be ascertained as follows: Multiply the average diameter of the top of the log, inside the bark, in inches, by half such diameter in inches, disregarding fractions of an inch less than a half, and regarding fractions greater than a half as a full inch, and the number obtained as the product will represent the contents in feet of a log of that diameter twelve feet long. If the log is less than twelve feet long, the actual contents will be the same fraction of the above product as the actual length of the log is of twelve feet. If the log is more than twelve feet long, commence at the upper end and measure it into sections of twelve feet; then find, according to the above rule, the contents of each section and fractional section. The aggregate of the contents of the sections will be the contents of the whole log.

Sec. 5895 (1890). Roofing slate.—In contracts for covering roofs with slate, when the underlap is not agreed upon, three inches for each course of slate shall be required.

Sec. 5896 (1917). Weigh bill with coal; penalty.—A person engaged in the business of retailing coal shall, at the time of the delivery of any coal to a customer, cause to be delivered therewith, by the person delivering the coal, a duplicate weight slip showing thereon the number of pounds of coal so delivered. A person who violates a provision of this section shall be fined not more than one hundred dollars.

Sec. 5897 (a1915). Justices.—Justices of the peace shall have concurrent jurisdiction with county, municipal and city courts of offenses arising under this chapter.

General Laws, 1917, ch. 247, p. 1013.

Sec. 5901 (a1852). Inspectors of hops.—The judges of the county court of a county may appoint an inspector of hops for such county, who shall be sworn.

Sec. 5902. True weight to be marked.—Said inspector, on request, shall inspect hops packed for market in the county for which he was appointed, and shall mark in legible characters, on each bag or package by him inspected, the true weight of hops therein, designating the quality by No. 1, No. 2 or No. 3, with the initial of the Christian name and the surname at length of the grower, or person presenting the same for inspection, and of the inspector, and the year, in figures, in which they were inspected, and the word "Vermont."

Sec. 5903. Penalty.—A grower, owner, presenter for inspection or inspector who is guilty of fraud in the packing, inspecting or marking of bags or bales of hops shall be fined fifty dollars.

General Laws, 1917, ch. 173, p. 670.

Sec. 3926 (a1917). Organization of selectmen; appointments.—The selectmen shall, immediately after their election and qualification, organize and elect a chairman from among their number and immediately file a certificate of such election for record in the town clerk's

office; and thereupon said selectmen shall appoint from among the inhabitants of the town, the following town officers, who shall serve until their successors are appointed and qualified:

* * * * * * *

One or more inspectors of lumber, shingles and wood;

One or more weighers of coal.

Sec. 4015. Duties; compensation.—An inspector of lumber, shingles and wood shall, at the request of any party interested, examine and classify the quality of lumber and shingles, and measure lumber, shingles and wood and give certificates thereof; and shall receive from the party requesting such services, four cents a cord for the first ten cords and one cent for each additional cord of wood measured, and reasonable compensation for examining and classifying lumber and shingles and for measuring the same.

Sec. 4016 (a1910). Duties; compensation.—A weigher of coal shall be sworn and shall not be directly or indirectly interested in the sale of coal, and shall weigh all coal sold in his town, upon request of the seller or purchaser. Said weigher shall be paid by the person applying for the weighing, ten cents for the first ton and four cents additional for each additional ton.

General Laws, 1917, ch. 177, p. 696.

Sec. 4113 (a1915). By-laws relating to hay scales.—An incorporated village may enact such by-laws and regulations as are expedient, not inconsistent with law, particularly such as relate to streets, * * * to the erection and regulation of buildings and hay scales * * *.

General Laws, 1917, ch. 248, p. 1014.

Sec. 5925 (1898). Utensils tested; marking; expense.—Bottles, pipettes or measuring glasses used by a person in determining by test the value of milk or cream received from other persons shall, before such use, be tested for accuracy of measurement and for accuracy of the per cent scale marked thereon, at the Vermont Agricultural Experiment Station. Such bottles, pipettes or measuring glasses as are correct shall be marked in permanent marks or characters, which shall be proof that they were so tested; but incorrect bottles, pipettes or glasses shall not be marked. The person owning such bottles, pipettes or measuring glasses shall pay the actual expense of testing the accuracy of the same.

Sec. 5926, as amended by Laws, 1919, Act No. 163, p. 176. Certificate of competency to operator; fee.—A person who manipulates a mechanical or chemical test for the purpose of measuring the percentage of butterfat in milk or cream as a basis for apportioning its value, or the butter or cheese made from the same, shall secure a certificate from the commissioner of agriculture certifying that he is competent to perform such work which certificate the commissioner may revoke for cause. The commissioner of agriculture may make rules and regulations governing the application for and the granting of such certificates, and may charge a fee for such certificates not to exceed one dollar.

Sec. 5927 (1898). Violating two preceding sections; penalty.—A person who violates a provision of the two preceding sections shall be fined not more than twenty-five dollars for the first offense and, for each subsequent offense, nor more than fifty dollars. Sheriffs, deputy

sheriffs and constables shall institute complaint against a person violating a provision of the two preceding sections.

Sec. 5928 (1910). Test; penalty.—When cream is bought or sold according to its butterfat content, there shall be accurately weighed into the test bottle the full weight of cream as specified by the method employed. A person who violates a provision of this section shall be fined not more than fifty dollars nor less than ten dollars.

Sec. 5942, as amended by Laws, 1919, Act No. 163, p. 176. Inspection of creameries; regulations concerning milk tests.—Said commissioner or his deputy may enter the premises of such a creamery, cheese factory, condensary or receiving station and may inspect all apparatus and materials used for making tests for the purpose of determining the accuracy of the same, and for ascertaining whether the provisions of sections five thousand nine hundred and twenty-five and five thousand nine hundred and twenty-six are being complied with. Said commissioner of agriculture may order any testing apparatus to be repaired or may condemn the same or any part thereof or any materials used in making tests, and may give such instructions and make such regulations concerning the taking of samples of milk and cream for making the butterfat test, the making of such test, and the computing of the results thereof as he deems proper.

General Laws, 1917, ch. 249, p. 1021.

Sec. 5947 (1915). Closed packages, definition.—The provisions of this chapter shall apply only to closed packages of apples; and the words "closed packages" shall mean a barrel, box or other container, the contents of which cannot be seen or inspected when such barrel, box or container is closed.

Laws, 1921, Act 173, p. 179.

Sec. 1. Standard box and barrel; dimensions.—The standard barrel for apples shall be of the following dimensions when measured without distention of its parts: Length of stave twenty-eight and a half inches; diameter of head, seventeen and an eighth inches; distance between heads, twenty-six inches; circumference of bulge, sixty-four inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch: *Provided*, That any barrel of a different form having a capacity of seven thousand and fifty-six cubic inches shall be a standard barrel, and such barrel shall be plainly marked "Vermont standard barrel." The standard box for apples shall be of the following dimensions, by inside measurement; eighteen inches by eleven and a half inches by ten and a half inches, without distention of its parts, and having a capacity of not less than two thousand one hundred and seventy-three and a half cubic inches, and such box shall be plainly marked "Vermont standard box." When a box, barrel or container other than a standard barrel or a standard box, as hereinafter specified, is used, such barrel, box or container shall have plainly specified thereon the number of bushels and parts of a bushel contained therein.

Sec. 3. Repeals.—Sections 5949, 5950, and 5959 of the General Laws are hereby repealed.

General Laws, 1917, ch. 249, p. 1021.

Sec. 5951, as amended by Laws, 1921, Act 173, p. 179. Marking quantity; grade; variety.—Every closed package of apples which is

packed, sold, distributed, offered or exposed for sale or distribution in the State by any person, shall have affixed in a conspicuous place on the outside thereof a plainly printed statement clearly and truly stating the quantity of the contents and the name and address of the packer, or of the person by whose authority the apples were packed; * * * Every package of apples which is repacked shall bear the name and address of the repacker, or the name and address of the person by whose authority it is repacked, in place of that of the original packer. Such marks shall be in block letters and figures of not less than thirty-six point gothic. * * *

Sec. 5952 (1915). Misbranded or adulterated; not to be sold.—A person shall not pack, sell, distribute, offer or expose for sale or distribution, apples which are adulterated or misbranded within the meaning of this chapter.

Sec. 5953. Adulteration construed.—Apples packed in a closed package shall be deemed to be adulterated if their measure, quality, grade or purity does not conform in each particular to the statement and marks required on such package.

Sec. 5954. Misbranded construed.—Apples in a closed package shall be deemed to be misbranded:

I. If the package fails to bear all statements and marks required by the third and fifth preceding sections [sec. 5951 and sec. 1, Act 173, Laws, 1921]; * * *

Sec. 5957. Adulterating, misbranding, etc.—A person who adulterates or misbrands apples within the meaning of this chapter, or a person who packs, sells, distributes, offers or exposes for sale or distribution, apples in violation of a provision of this chapter shall be fined not more than ten dollars for the first offense and, for each subsequent offense, not more than twenty-five dollars.

General Laws, 1917, ch. 251, p. 1027.

Sec. 5973, as amended by Laws, 1921, Act 174, p. 181. Commercial fertilizers, net weight to be shown.—Every lot or parcel of commercial fertilizer sold, offered or exposed for sale shall be accompanied by a plainly printed statement, clearly and truly certifying the number of net pounds of fertilizer in a package, the name, brand or trademark under which the fertilizer is sold, the name and address of the manufacturer or importer, * * *.

Sec. 5982 (a1912). Statement of contents; net weight.—Every lot or parcel of concentrated commercial feeding stuffs as defined in this chapter, used for feeding farm livestock, sold, offered or exposed for sale, shall have a plainly printed statement conspicuously affixed thereto clearly and truly certifying the number of net pounds of feeding stuff in a package, the name, brand or trade-mark under which the article is sold, the name and address of the manufacturer or importer, * * *. If the feeding stuff is sold in bulk at retail or put up in packages belonging to the purchasers, the agent or dealer shall, upon request of the purchaser furnish him with the certified statement named in this section.

General Laws, 1917, ch. 252, p. 1033.

Sec. 6000 (1908). Paints and compounds, statements of contents or measure.—A person, firm or corporation that manufactures for sale, sells or exposes for sale within this State, white lead, paint, or

compound intended for use as such, shall label the same by a label printed in the English language and in clear and distinct gothic letters, stating, with substantial accuracy, the per cent of white lead * * * the name and residence of the manufacturer of the paint, or of the distributor thereof, or of the party for whom the same is manufactured, the per cent of solid and liquid material used, and the net measure of the contents of the container of all liquid or mixed paints, and the net weight of the contents of the package of all paste and semipaste paints sold by weight, or if sold by measure, the net measure of such package. * * *

Laws, 1919, Act. No. 162, p. 175.

Sec. 1. Marking of weight; variations; regulations.—A dealer or his employee who sells, offers or exposes for sale food in containers or package form shall have the correct net quantity of the contents plainly and conspicuously marked on the outside of the package or container in terms of weight, measure or numerical count; however, reasonable variations shall be permitted and allowance and exemptions as to small packages shall be established by rules and regulations made from time to time by the commissioner of weights and measures.

Sec. 2. Prosecution; guaranty.—A dealer shall not be prosecuted under the provisions of this act if he shows a guaranty signed by the wholesaler, jobber, manufacturer, dealer or other person, from whom he purchased such articles, to the effect that the same are correctly marked or labeled within the meaning of this act, designating it. Such guaranty, to afford protection, shall contain the name and address of the person making the sale of such articles to such dealer. The name appearing on the container and the marking as provided by section 1 shall be deemed to constitute a guaranty. If it shall appear that any of the provisions of this act have been violated and the party or parties giving such guaranty are without the State, no action shall be brought but the commissioner of weights and measures shall present the facts to the proper national authorities for their action.

Sec. 3. Meaning of terms.—A package or retainer shall for the purposes of this act be exposed for sale when it is kept or displayed at a place of business where commodities are bought or sold, and the word "weight" shall be construed to mean net weight.

Sec. 4. Contracts.—If commodities are sold by weight, it shall be understood to mean the net weight of all commodities so sold; and all contracts concerning goods sold by weight shall be understood and construed accordingly.

Sec. 5. Penalty.—A person who, himself or by his servant or agent, or as a servant or agent of another violates the provisions of this act shall be fined not more than one hundred dollars for the first offense and not more than two hundred dollars for each succeeding offense.

Laws, 1921, Act. 261, p. 249.

Sec. 1. Standard time.—The standard time within the State of Vermont shall be based on the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich, known and designated as "United States standard eastern time."

VIRGINIA

Laws, 1926, ch. 121, p. 115.

Section 1. Offices abolished.—That the offices of dairy and food commissioner and deputy dairy and food commissioner, including the office of superintendent of weights and measures, be, and they are, hereby severally abolished.

Sec. 2. Powers and duties transferred.—All the powers conferred and all the duties imposed by law upon the dairy and food commissioner, the deputy dairy and food commissioner, and the superintendent of weights and measures, shall hereafter be exercised or performed by the commissioner of agriculture and immigration, without additional compensation, under the direction of the board of agriculture and immigration.

Sec. 3. Unexpended balances of appropriations transferred.—The unexpended balance of any appropriation made to the dairy and food division, or to the dairy and food commissioner, or to the superintendent of weights and measures, is hereby transferred to the commissioner of agriculture and immigration, for the purpose named in the appropriation, but as far as necessary he shall use the existing force in performing the additional duties imposed and exercising the additional powers conferred by this act.

Laws, 1924, ch. 216, p. 321, as amended by Laws, 1926, ch. 145, p. 248.

Section 1. Standard weights and measures.—The weights and measures received from the United States under joint resolutions of Congress, approved June fourteenth, eighteen hundred and thirty-six, and July 27, eighteen hundred and sixty-six, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or in renewal thereof, and such as shall be supplied by the State in conformity therewith and certified by the National Bureau of Standards shall be the State standards of weights and measures.

Sec. 2. State superintendent of weights and measures.—The dairy and food commissioner [1] shall ex officio be State superintendent of weights and measures.

Sec. 3. Office standards; verification and use.—In addition to the State standard of weights and measures, provided for above, there shall be supplied by the State, at least one complete set of copies of these, to be kept at all times in the office of the State superintendent, and to be known as office standards; and such other weights, measures and apparatus as may be found necessary to carry out the provisions of this act, to be known as working standards. Such weights, measures, and apparatus shall be verified by the State superintendent upon their initial receipt and at least once in each year thereafter, the office standards by direct comparison with the State

[1] Now the commissioner of agriculture and immigration. See Laws, 1926, ch. 121, supra.

standards, the working standards by comparison with the office standards. When found accurate upon these tests the office and working standards shall be sealed by stamping on them the letter "V" and the last two figures of the year with seals which the State superintendent shall have and keep for that purpose. The office standards shall be used in making all comparisons of weights, measures and weighing or measuring devices submitted for test in the office of the superintendent and the State standards shall be used only in verifying the office standards and for scientific purposes.

Sec. 4. Custody and care of standards.—The superintendent shall take charge of the standards adopted by this act as standards of the State, and cause them to be kept in a safe and suitable place in the city of Richmond, from which place they shall not be removed except for repairs or for certification, and he shall submit them to at least once in ten years to the National Bureau of Standards for certification. He shall keep a complete record of the standards, balances, and other apparatus belonging to the State and take a receipt for the same from his successor in office. He shall annually, on the thirty-first day of December, make to the governor a report of all work done by his office during the twelve months next preceding the first day of October.

Sec. 5. Local sealers, appointment of; term of office; salaries.—The board of supervisors of the respective counties, and the councils or other governing bodies of the respective cities, may appoint for their respective counties and cities a local sealer of weights and measures: *Provided, however*, That two or more counties may appoint jointly for their respective counties and towns a local sealer, subject to the approval of the State director of weights and measures: *And provided, further*, That if in any particular city or county the services of a full-time local sealer be not required, the council or board of supervisors of such city or county may appoint a part-time local sealer of weights and measures.

Local sealers appointed under this section shall hold office for such terms, and shall receive such salaries, as the appointing power may prescribe. The salaries herein provided for shall be paid out of the county or city treasury, as the case may be and no fee shall be charged by the local sealer, or by the county or city, for inspecting, testing or sealing, or the repairing or adjusting of weights, measures, or weighing or measuring, devices. Local sealers appointed under this section may be removed at any time, by the authority which appointed them, for nonfeasance, misfeasance, or malfeasance in office.

Sec. 6. County and city standards, preservation and custody.—The board of supervisors of each county, and the council or other governing body of each city, appointing a sealer under the provisions of this act shall procure at the expense of the county or city, and shall keep at all times a set of weights and measures and other apparatus as complete, and of such materials and construction as the State superintendent of weights and measures may direct. All such weights and measures, and other apparatus having been tried and accurately proven by the State superintendent shall be sealed and certified to by him as hereinbefore provided, and shall be then deposited with and preserved by the county or city sealer as public standards for each county or city.

Sec. 7. Local sealers, powers and duties.—When not otherwise provided by law the county or city sealer shall have the power and it shall be his duty within his county or city to inspect, test, try, and ascertain if they are correct all weights, measures, and weighing or measuring devices kept, offered, or exposed for sale, sold, or used or employed within the county or city by any proprietor, agent, lessee, or employee in proving the size, quantity, area, or measurement of quantities, things, produce, or articles for distribution or consumption purchased or offered or submitted by such person or persons for sale, hire, or award; and he shall have the power to and shall from time to time weigh or measure and inspect packages, or amounts of commodities of whatsoever kind kept for the purpose of sale, offered or exposed for sale, or sold or in the process of delivery, in order to determine whether the same contain the amounts represented, and whether they be kept, offered, or exposed for sale or sold in a manner in accordance with law; he shall at least twice each year and as much oftener as he may deem necessary see that all weights, measures, and weighing or measuring devices used in the county or city are correct. He may for the purpose above mentioned, and in the general performance of his official duties, enter and go into or upon, and without formal warrant, any stand, place, building, or premises, or stop any vendor, peddler, junk dealer, coal wagon, ice wagon, delivery wagon, or any person whomsoever, and require him, if necessary, to proceed to some place which the sealer may specify, for the purpose of making the proper tests. Whenever the county or city sealer finds a violation of the statutes relating to weights and measures, he shall cause the violator to be prosecuted.

Sec. 8. Testing and sealing weights and measures.—Whenever the county or city sealer compares weights, measures or weighing or measuring devices and finds that they correspond or causes them to correspond with the standards in his possession, he shall seal or mark such weights, measures, or weighing or measuring devices with appropriate devices to be approved by the State superintendent of weights and measures.

Sec. 9. Incorrect weights and measures may be condemned or confiscated, when.—The county or city sealer shall condemn and seize and may destroy incorrect weights, measures, or weighing or measuring devices which, in his best judgment, are not susceptible of satisfactory repair, but such as are incorrect and, yet, in his best judgment may be repaired, he shall mark or tag as "condemned for repairs" in a manner prescribed by the State superintendent of weights and measures. The owners or users of any weights, measures, or weighing or measuring devices of which such disposition is made shall have the same repaired and corrected within ten days, and they may neither use nor dispose of the same in any way, but shall hold the same at the disposal of the sealer. Any weights, measures, or weighing or measuring devices which have been "condemned for repairs," and have not been repaired as required above, shall be confiscated by the sealer.

Sec. 10. Annual report; record of official acts.—The county or city sealer shall keep a complete record of all of his official acts, and shall make an annual report to the authority which appointed him, and an annual report duly sworn to, on the first day of October, to the State

superintendent of weights and measures, on blanks furnished by the latter, and also, any special reports that the latter may request.

Sec. 11. False weights and measures, use of as evidence; police powers.—The superintendent of weights and measures and the county and city sealers are hereby authorized and empowered to seize for use as evidence, without formal warrant, any false or unsealed weight, measure or weighing or measuring device or package or amount of commodity found to be used, retained or offered or exposed for sale or sold in violation of law.

That there is hereby conferred upon the superintendent, his assistants and inspectors, police power for the purpose of carrying out the provisions of this act only, and in the exercise of their duties they shall upon demand, exhibit their badges to any person questioning their authority, and they are authorized and empowered to make arrests of any person violating any provisions of this act.

Sec. 12. Hindering or obstructing official; penalty.—Any person who shall hinder or obstruct in any way the superintendent of weights and measures, or any county or city sealer in the performance of his official duties shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty, nor more than two hundred dollars, or by imprisonment in jail for not more than three months, or by both such fine and imprisonment.

Sec. 13. Impersonating; penalty.—Any person who shall impersonate in any way the superintendent of weights and measures, or any county or city sealer, by the use of his seal or counterfeit of his seal, or otherwise, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Sec. 14. Manner of sale of commodities; terms defined.—It shall be unlawful to sell, except for immediate consumption on the premises, liquid commodities in any other manner than by weight or liquid measure, or commodities not liquid in any other manner than by measure of length, by weight, or by numerical count, unless otherwise agreed in writing by the mutual consent of the buyer and seller: *Provided, however*, That nothing in this section shall be construed to prevent the sale of fruits, vegetables, and other dry commodities in the standard barrel provided for in section twenty-four; or of berries and small fruits in boxes as provided for in section twenty-five; or of vegetables or fruits usually sold by the head or bunch in this manner: *Provided further*, That nothing in this section shall be construed to apply to foodstuffs put up in original packages.

For the purpose of this section the term "original package" shall be construed to include a commodity in a package, carton, case, can, barrel, bottle, box, phial or other receptacle, or in coverings or wrappings of any kind, put up by the manufacturer, which may be labeled, branded, or stenciled, or otherwise marked, or which may be suitable for labeling, branding, or stenciling, or marking, otherwise, making one complete package of the commodity. The words "original package" shall be construed to include both the wholesale and the retail package.

For the purpose of this section the term "commodities not liquid" shall be construed to include goods, wares and merchandise, which are not in liquid form and which have heretofore been sold by meas-

ure of length, by weight, by measures of capacity, or by numerical count, or which are susceptible of sale in any of these ways.

Sec. 15. Cord; weight per bushel of products.—A cord contains one hundred and twenty-eight cubic feet, being eight feet long, four feet high, and four feet wide, or the equivalent thereof; and in all measurements of wood, tan bark or other things subject to such measurements the foregoing shall be the true and legal standard, any usage, by law or ordinance of any corporation, railroad or other company to the contrary, notwithstanding. And in all sales by weights of the agricultural products hereinafter named, the number of pounds per bushel as stated in the following schedule shall be the true and legal standard:[2]

	Pounds		Pounds
Alfalfa seed	60	Malt	38
Barley	48	Millet seed	50
Navy and soja beans	60	Oats	32
Blue grass seed	14	Onions	57
Bran	20	Orchard grass seed	14
Buckwheat	48	Parsnips	50
Carrots	50	Virginia peanuts	22
Castor beans	46	Spanish peanuts	30
Chestnuts	57	Peas (black eye and other cowpeas)	60
Clover seed	60	Potatoes (Irish)	60
Coal (anthracite)	80	Potatoes (sweet)	56
Corn (in ear)	70	Plastering hair	8
Corn (shelled)	56	Redtop grass seed	40
Corn meal	48	Rye	56
Dried apples	28	Salt	50
Dried peaches (peeled)	40	Timothy seed	45
Dried peaches (unpeeled)	32	Tomatoes	60
Flaxseed	56	Turnips	55
Hemp seed	44	Wheat	60
Hungarian grass seed	48	Cottonseed	30
Lime (unslaked)	80		

Sec. 16. Barrel of flour; weights to be marked; penalty.—Every barrel of flour put up or manufactured in this State, shall contain not less than one hundred and ninety-six pounds of flour, and every barrel of flour put up or manufactured in this State, and every barrel shipped into the State, shall have the number of pounds contained therein plainly stamped on one head. If any person or firm doing business in this State willfully or knowingly sell or causes to be sold flour in barrels or packages not so correctly stamped, showing the correct number of pounds contained in such barrels or packages, he or they shall be fined twenty-five dollars; and the sale of every such barrel or package shall constitute a separate offense.

Sec. 17. Banks to have weights tested.—Once in every five years the directors of each bank shall have the weights used in such bank tried, proved and sealed, either by the superintendent or a sealer of weights and measures. No tender by any bank in the State, of gold weighed with weights not so sealed, shall be legal. The payer to, or receiver from, any bank, of gold, may require that it shall be weighed in each scale and the mean weight resulting therefrom shall be deemed the true weight.

Sec. 18. Coal, weighing upon request.—When a dealer or dealers in coal in cities or towns in this State, where public scales are kept, may be requested by a person or persons buying as much as five

[2] A slight change has been made in the arrangement for convenience of reference.

hundred pounds of coal at any one time to weigh such coal upon the public scales, said dealer or dealers shall do so upon such request, the person or persons buying the coal to pay the fee for weighing same, if such shall be of proper weight, otherwise such fee shall be paid by said dealer. Any dealer refusing to weigh or have weighed such coal as required in this section, or to pay such fee for weighing the same as herein required, shall be fined the sum of five dollars for each offense.

Sec. 19. Coal, coke, and charcoal sold by weight; conditions of sale.—It shall be unlawful to sell or offer to sell any coal, coke or charcoal in any other manner than by weight. No coal, charcoal or coke shall be sold at retail which contains at the time the weight is taken, more water or other liquid substance than is due to natural conditions, weather conditions or causes incident to the mining, cleaning or handling of the coal, charcoal or coke, except by and with the consent of the purchaser.

It shall be unlawful for any person to deliver any coal, coke, or charcoal without such delivery being accompanied by a delivery ticket and a duplicate thereof, on each of which shall be in ink or other indelible substance, distinctly expressed in pounds, the gross weight of the load, the tare of the delivery vehicle, and the quantity or quantities of coal, coke or charcoal contained in the vehicle used in such deliveries, with the name of the purchaser thereof, and the name of the dealer from whom purchased. One of these tickets shall be surrendered to the sealer of weights and measures upon his demand for his inspection, and this ticket or weight slip issued by him when he desires to retain the original shall be delivered to the said purchaser of said coal, coke or charcoal, or his agent or representative at the time of the delivery of the fuel; and the other ticket shall be retained by the seller of the fuel. When the buyer carries away the purchase, a delivery ticket showing the actual number of pounds delivered to him must be given to him at the time the sale is made.

Sec. 20. Sale of commodities in package form; terms defined.—It shall be unlawful to keep for the purpose of sale, offer or expose for sale, or sell any commodity in package form unless the net quantity of the contents be plainly and conspicuously marked on the outside of the package; in terms of weight, measure or numerical count: *Provided, however*, That reasonable variations or tolerances shall be permitted, and that these reasonable variations or tolerances, and also exemptions as to small packages shall be established by rules and regulations made by the superintendent of weights and measures: *And provided further*, That this section shall not be construed to apply to those commodities in package form the manner of sale of which is specifically regulated by the provisions of other sections of this act.

The words "in package form" as used in this section shall be construed to include a commodity in a package, carton, case, can, box, barrel, bottle, phial, or other receptacle, or in coverings or wrappings of any kind put up by the manufacturer, or when put up prior to the order of the commodity, by the vendor, which may be labeled, branded, or stenciled, or otherwise marked, or which may be suitable for labeling, branding or stenciling, or marking otherwise, making

one complete package of the commodity. The word "package" shall be construed to include both the wholesale and retail package.

Sec. 21. Net weight or amount of textile material to be marked.—It shall be unlawful to keep for the purpose of sale, offer or expose for sale, or sell any commodity composed in whole or in part of cotton, wool, linen, or silk, or any other textile material on a spool or similar holder, or in a container or band, or in a bolt or roll, or in a ball, coil or skein, or in any similar manner, unless the net amount of the commodity in terms of weight or measure shall be definitely, plainly, and conspicuously marked on the principal label, if there be such a label; otherwise on a wrapper, band, or tag attached thereto. The words "spool or similar holder, container, or band, bolt or roll, or ball, coil, or skein," shall be construed to include the spool or similar holder, container or band, bolt, or roll, or ball, coil, or skein put up by the manufacturer; or, when put up prior to the order of the commodity, by the vendor. It shall be held to include both the wholesale and the retail package.

Sec. 22. Ice to be sold by weight; conditions of sale.—It shall be unlawful for any person, firm or corporation to sell ice in this Commonwealth in any other manner than by weight. All ice shall be correctly weighed by the seller at the time of delivery to the purchaser. All agents or employees of any person, firm or corporation engaged in the sale and delivery of ice shall be provided with suitable and correct weighing devices to be used for the purpose of correctly weighing each piece of ice delivered, and it shall be unlawful for any such agent or employee to report or make a charge for any quantity of ice in excess of the quantity, in pounds, or fraction thereof, actually delivered according to the correct weight thereof. It shall be unlawful for any person, firm, or corporation delivering ice to refuse, on demand, to allow the purchaser to witness the weighing of the same at the time of delivery, or to refuse, on demand, to furnish the purchaser with a weight slip at the time of delivery containing the name of the person, firm or corporation selling the ice, the number of pounds sold, and signed by the agent or employee of such person, firm or corporation.

Sec. 23. Bottles for milk and cream; capacities and markings; penalty for violation; not required to be sealed.—Bottles used for the sale of milk or cream shall be of the capacity of one-half gallon, three pints, one quart, one pint, one-half pint, and one gill. Bottles or jars used for the sale of milk or cream shall have clearly blown or otherwise permanently marked in the side of the bottle the capacity of the bottle and the word "sealed," and in the side or bottom of the bottle the name, initials, or trademark of the manufacturer, and a designating number, which designation shall be different for each manufacturer and may be used in identifying the bottles. The designating number shall be furnished by the State superintendent of weights and measures upon application by the manufacturer, and upon the filing by the manufacturer of a bond in the sum of one thousand dollars, with sureties, to be approved by the attorney general, conditioned upon their conformance with the requirements of this section. A record of the bonds furnished and the designating numbers and to whom furnished shall be kept in the office of the superintendent of weights and measures.

Any manufacturer who sells or offers to sell milk or cream bottles to be used in the State that do not comply as to size and markings with the provisions of this section shall suffer a penalty of five hundred dollars, to be recovered by the attorney general in an action against the offender's bondsmen, to be brought in the name of the Commonwealth. Any dealer who uses, for the purpose of selling milk or cream, jars, or bottles purchased after this law takes effect that do not comply with the requirements of this section as to markings and capacity, shall be deemed guilty of using a false or insufficient measure.

Sealers of weights and measures are not required to seal bottles or jars for milk or cream marked as in this section provided, but they shall have the power to, and shall from time to time, make tests on individual bottles used by the various firms in the territory over which they have jurisdiction, in order to ascertain if the above provisions are being complied with, and they shall immediately report violations found to the State superintendent of weights and measures.

Sec. 24. Standard barrel for fruits and vegetables; standard cranberry barrel; penalty.—The standard barrel [3] for fruits, vegetables, and other dry commodities other than apples and cranberries, shall be of the following dimensions when measured without distention of its parts: Length of staves, twenty-eight and one-half inches; diameter of heads, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of bulge, sixty-four inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch: *Provided*, That any barrel of a different form, having a capacity of seven thousand and fifty-six cubic inches, shall be a standard barrel. The standard barrel for cranberries shall be of the following dimensions when measured without distention of its parts: Length of staves, twenty-eight and one-half inches; diameter of heads, sixteen and one-fourth inches; distance between heads, twenty-five and one-fourth inches; circumference of bulge, fifty-eight and one-half inches, outside measurements; and the thickness of staves not gerater than four-tenths of an inch.

It shall be unlawful for any person to offer or expose for sale, sell, or ship any other barrels for fruits, vegetables, or other dry commodities, or to offer or expose for sale, sell, or ship any fruits, vegetables or other dry commodities in other barrels than the standard barrels as defined in this section, or subdivisions thereof known as the third, half, or three-quarters barrel: *Provided, however*, That nothing in this section shall apply to barrels used in packing or shipping apples and commodities sold exclusively by weight or numerical count: *And provided further*, That no barrel shall be deemed below standard within the meaning of this section when shipped to any foreign country and constructed according to the specifications or directions of the foreign purchaser if not constructed in conflict with the laws of the foreign country to which the same is intended to be shipped.

Sec. 25. Sale of berries and small fruits; size of baskets or containers.—It shall be unlawful to sell or offer to sell any berries or small fruits

[3] See note, p. 20, relative to the Federal standard barrel.

in any other manner than by weight, or in the containers described in this section. It shall be unlawful to procure or keep for the purpose of sale, offer or expose for sale, sell, or give away baskets or other open containers for berries or small fruits, holding one quart or less, or to procure or keep for the purpose of sale, offer or expose for sale, or sell berries or small fruits and baskets or other open containers, holding one quart or less, of any other than the following capacities when level full: One quart, one pint, or one-half pint, standard dry measure.

Sec. 26. Commodities to be sold by net weight.—Whenever any commodity is sold on a basis of weight, it shall be unlawful to employ any other weight in such sale than the net weight of the commodity and all contracts concerning goods sold on a basis of weight shall be understood and construed accordingly. Whenever the weight of a commodity is mentioned in this act, it shall be understood and construed to mean the net weight of the commodity at the time of delivery to the customer.

Sec. 27. Using false or unsealed weights or measures, or selling contrary to law; penalty.—Any person who, by himself or by his servant or agent, or as the servant or agent of another person, shall offer or expose for sale, sell, use in the buying or selling of any commodity or thing or for hire or award, or retain in his possession a false weight or measure or weighing or measuring device, which has not been sealed by the State superintendent or by a sealer or deputy sealer of weights and measures within one year, or shall dispose of any condemned weight, measure, or weighing or measuring device contrary to law, or remove any tag placed thereon by the State superintendent or by a sealer of weights and measures; or who shall sell or offer or expose for sale less than the quantity he represents, or shall take or attempt to take more than the quantity he represents, when, as the buyer, he furnishes the weight, measure, or weighing or measuring device by means of which the amount of commodity is determined; or who shall keep for the purchase [purpose] of sale, offer or expose for sale, or sell any commodity in a manner contrary to law; or who shall violate any provisions of this act for which a specific penalty has not been provided; or who shall sell or offer for sale, or use or have in his possession for the purpose of selling or using any device or instrument to be used to or calculated to falsify any weight or measure shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty or more than two hundred dollars, or by imprisonment for not more than three months, or by both such fine and imprisonment upon a first conviction, and upon a second or subsequent conviction he shall be punished by a fine of not less than fifty or more than five hundred dollars, or by imprisonment in jail for not more than one year or by both such fine and imprisonment.

Sec. 28. Definition of terms.—The word " person " as used in this act shall be construed to import both the plural and singular, as the case demands, and shall include corporations, companies, partnerships, firms, societies, and associations.

The words " weights, measures, or (and) weighing or (and) measuring devices," as used in this act, shall be construed to include all weights, scales, beams, measures of every kind, instruments and mechanical devices for weighing or measuring, and any appliances and accessories connected with any or all such instruments.

The words " sell " or " sale " as used in this act, shall be construed to include barter and exchange.

Sec. 29. Repeal.—Sections fourteen hundred and sixty-four to fourteen hundred and seventy, both inclusive, and sections fourteen hundred and seventy-two to fourteen hundred and eighty-five, both inclusive, of the Code of Virginia, are hereby repealed.

Sec. 30. Further powers and duties of commissioner of agriculture and immigration; appointment of employees as sealers of weights and measures.—The commissioner of agriculture and immigration, as ex officio superintendent of weights and measures, shall, in addition to the powers hereinbefore conferred upon him, have, throughout the Commonwealth, all the powers and authority of a sealer of weights and measures. Furthermore, it shall be the duty of the commissioner of agriculture and immigration to appoint, as inspectors of weights and measures, such of the employees of his office as he may deem necessary for the better and more efficient enforcement of this act, and such employees, when so designated by the commissioner of agriculture and immigration, shall throughout the limits of the Commonwealth, have all the powers and authority conferred upon a sealer of weights and measures by this act, and the State superintendent and sealers of weights and measures shall be guided in the performance of their duties by the Department of Commerce, Bureau of Standards, manual of inspection and information for weights and measure officials.

Code, 1919, Vol. 1, ch. 62, p. 542.

Sec. 1471, as amended by Laws, 1920, ch. 171, p. 244. Weight of barrel of apples; size of apple barrels; stamping " short barrels "; penalty.—When apples are bought or sold by weight in this State, the quantity constituting a bushel shall be forty-five pounds, and the quantity constituting a barrel shall be one hundred and thirty-five pounds. A barrel [4] for use in packing, selling, or shipping apples shall be of the following dimensions: Head diameter, seventeen and one-eighth inches; length of stave, twenty-seven and one-half inches; bulge, not less than sixty-four inches, outside measurement. Every person buying or selling apples in this State by the barrel shall be understood as referring to the quantity or size of the barrel herein specified. No person in this State shall hereafter use or cause to be used, or have in his possession, barrels, for the sale of apples, of a size less than the size specified in this section, unless each of the same is plainly stamped on the outside thereof, and on each head with the words " short barrel " in letters not less than two inches in height. * * *

2. Any person, firm or corporation violating any provision of this section shall be guilty of a misdemeanor, and for such offense shall be fined not exceeding fifty dollars for the first offense, and for each subsequent offense not exceeding one hundred dollars; and such fines less legal cost and charges, shall be paid into the treasury of the State.

It shall be the duty of the dairy and food commissioner to enforce the provisions of this section and he shall make an annual report to the governor on or before the thirty-first day of January of

[4] See footnote, p. 20, relative to the Federal standard barrel.

each year, giving a detailed account of fees collected and money disbursed by him under the provisions of this section.

Code, 1919, Vol. 1, ch. 53, p. 480.

Sec. 1260, as amended by Laws, 1918, ch. 406, p. 672. Power of the commissioner of agriculture and immigration, to investigate.—* * * The commissioner of agriculture and immigration is hereby authorized, in his discretion, to designate one or more fit and proper persons, in any city or county in this State, who shall be known as "official weighers of agricultural produce." Upon the request of any consignor of farm produce, which is sold by weight, the commissioner shall require an official weigher of the city or county to which the said produce is shipped, to supervise the weighing of the said produce. The said weigher shall thereupon prepare, in triplicate, upon forms furnished by the commissioner, a certificate of the actual weight of such produce, one copy of the said certificate to be left with the consignee, one copy mailed by the commissioner to the consignor and the third copy to be kept on file by the commissioner. In all questions arising under the provisions of this act, the certificate of the weigher, when duly sworn to, shall be prima facie evidence of the fact or facts therein certified. The commissioner is hereby authorized, by and with the consent of the board of agriculture and immigration, to adopt rules and regulations necessary to carry out the foregoing provisions and to fix the compensation of the said official weighers, and for their services in weighing and certifying the weights of agricultural produce, as herein above provided, the said weighers shall be paid such sum as may be fixed by the said commissioner, said compensation to be paid from such appropriation as may be made for the purpose of carrying out the provisions of this act. * * *

Code, 1919, Vol. 1, ch. 121, p. 1163.

Sec. 3033 (1908). Powers of councils of cities or towns as to weights and measures.—The council of any city or town shall have power to provide for the weighing or measuring of hay, coal or any other article for sale, * * *.

Code, 1919, Vol. 1, ch. 51, p. 438.

Sec. 1182 (a1916). Food packages, quantity of contents to be marked.—The term "misbranded" as used in this chapter shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substance contained therein, which shall be false or misleading in any particular, and to any food product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

An article shall also be deemed misbranded:

Third. If in package form, and the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count: *Provided, however*, That such reasonable variations shall be permitted, and tolerances and also exemptions as to small packages as shall be or are established by rules and regulations made in accordance with the provisions of section eleven hundred and eighty-five.

Laws, 1920, ch. 388, p. 576.

Sec. 3. Weights and labels.—All bread stored, sold, offered or exposed for sale by the loaf shall have conspicuously affixed thereon a label on which shall be printed in the English language in letters and figures not smaller than one-fourth inch in height, the net weight of the loaf, when baked. The number and address of the baker or manufacturer of the loaf shall also be shown on the same label.

The dairy and food commissioner, with the approval of the board of agriculture and immigration, shall adopt and establish such reasonable tolerances or variations within which the weights of loaves shall be kept: *Provided, however*, That such tolerances and variations shall not exceed one ounce per loaf on loaves weighing less than one pound or two ounces on loaves weighing more than two pounds twelve hours after baking.

Sec. 4.—The dairy and food commissioner is hereby charged with the enforcement of the provisions of this act.

Sec. 5. Penalty.—Any person, firm or corporation who shall violate any of the provisions of this act shall be subject to a fine of not less than ten dollars, nor more than one hundred dollars, and each day's continuance of any practice, act or condition prohibited herein shall constitute a separate offense within the meaning of this act.

Laws, 1924, ch. 369, p. 532.

Sec. 1. Standard weights for corn-mill products.—That the standard of weights for the following corn-mill products, namely, flours, hominy, grits, and meals, shall be one hundred pounds avoirdupois, and the standard measure for such commodities, when the same are packed for sale, shipped, sold, or offered for sale in packages of five pounds or over, shall be a package containing net avoirdupois weight one hundred pounds, or a multiple of one hundred pounds, or one of the following fractions thereof; five, ten, twenty-five or fifty pounds, and each of which packages shall bear a plain, legible and conspicuous statement of the net weight contained therein.

Sec. 2. Standard packages.—That the standard package for the following corn-mill products, namely, flours, hominy, grits, and meals, when the same are packed, shipped, sold, or offered for sale in packages of five pounds or over, shall be those containing net avoirdupois weight one hundred pounds, or multiples of one hundred pounds, or the following fractions thereof; five, ten, twenty-five, and fifty pounds: *Provided, however*, That the provisions of this section shall not apply to the retailing of meal direct to customers from bulk stock, when purchased and delivered by actual weight or measure, or to exchange of corn for meal by mills grinding for toll.

That it shall be unlawful for any person, firm, or corporation, or association to pack, or cause to be packed for sale, to ship or offer for shipment, or to sell, or offer for sale, the following corn-mill products, namely, flours, hominy, grits, and meals, which when in original unbroken package form, shall not be one of the standard measures established in section two hereof and bear a plain, legible, and conspicuous statement of the net weight contained therein; and any person, firm, corporation, or association guilty of a violation of the provisions of this act shall be deemed guilty of a misdemeanor and be liable to a fine not exceeding three hundred dollars. By the

term "in original unbroken form" as used in this act, is meant any form of package or carton or other container made or prepared to contain products for sale in such original package or other container and purporting to contain any specific weight or measure.

Sec. 3. **Rules and regulations.**—The dairy and food commissioner, with the approval of the board of agriculture and immigration, may establish the necessary rules and regulations for the enforcement of this act.

Sec. 5. **Exemptions.**—*Provided*, That nothing in this bill shall be construed as applying to packages under five pounds.

Laws, 1922, ch. 344, p. 572.

Sec. 1. **Standard barrels for lime.**—That there is hereby established a large and a small barrel of lime, the large barrel to consist of two hundred and eighty pounds and the small barrel to consist of one hundred and eighty pounds, net weight.

Sec. 2. **Markings required.**—It shall be unlawful for any person to sell or offer for sale lime in this State in barrels unless there shall be stenciled or otherwise clearly marked on one or both heads of the small barrel the figures "180 lbs. net" and of the large barrel the figures "280 lbs. net," and on either barrel in addition the name of the manufacturer of the lime and where manufactured.

Sec. 3. **Container of less capacity than barrel, markings required.**—When lime is sold in containers of less capacity than the standard small barrel, it shall be sold in fractional parts of said standard small barrel, and the net weight of lime contained in such container shall by stencil or otherwise be clearly marked thereon, together with the name of the manufacturer thereof, and the name of the brand, if any, under which it is sold.

Sec. 4. **Unlawful to sell barrels or other containers unless marked as provided.**—It shall be unlawful to pack, sell, or offer for sale in this State any barrels or other containers of lime which are not marked as provided in sections two and three of this act, or to sell, charge for, or purport to deliver as a large or small barrel or a fractional part of said small barrel of lime, any less weight of lime than is established by the provisions of this act.

Sec. 5. **Cement, packages to be marked with net weight.**—Every barrel, box or package of cement sold or offered for sale in this State shall have plainly marked thereon the name and address of the manufacturer and the number of pounds net such barrel, box or package contains.

Sec. 6. **Violation.**—Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Laws, 1922, ch. 431, p. 749.

Sec. 1. **Paint, turpentine, linseed oil, etc., how marked.**—That no person, firm or corporation shall expose for sale or sell within this State any paint, turpentine, or linseed oil, or any substitute therefor, marked and branded in any manner so as to tend to deceive the purchaser thereof as to its nature or composition, or which is not labled [labeled] or marked as hereinafter provided.

Sec. 4. **Markings; net weight or measure must be stated.**—The label required by this act shall clearly and distinctly state, in the English

language with letters and type of such size and shape as to be easily legible, the name and residence of the manufacturer of the paint, or of the distributor thereof, or of the party for whom the same is manufactured, * * *; such label shall also show the net measure of the contents of the container in United States standard gallons or fraction thereof in case of liquid or mixed paints, and in weight avoirdupois in the case of paste or semi-paste paints.

Sec. 9. Penalty.—Whoever violates any of the provisions of this act or any section thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned in jail not more than sixty days, for each offense.

Sec. 11. Not applicable to commodities to be shipped to another State.—Nothing herein shall apply to sales by any manufacturer or jobber in quantities to any industrial plant, or to public service corporations, and any manufacturer, or jobber, may have on hand, keep or store in this State paints, linseed oil, or turpentine not marked or branded in accordance with this act, if the same are intended to be shipped into another State.

Code, 1919, ch. 128, p. 1260.

Sec. 3252 (1910). Oyster measures; dimensions of; sale by wine measure, when; penalty; measures may be seized, when.—It shall not be lawful at any time for any person to buy or sell oysters in this State in the shell by any other than one-half bushel or one bushel metallic measures, and such measures shall be iron circular tubs with straight sides and straight solid bottoms with holes in bottom, if desired, for draining, such holes to be no larger, however, than one inch in diameter. A half bushel tub shall have the following dimensions (all measurements to be from inside to inside): Fifteen inches across the top, thirteen inches across the bottom, and seventeen inches diagonally from the inside chine to the top; and a bushel tub shall measure eighteen and one-half inches across the top, seventeen inches across the bottom, and twenty-one and one-half inches diagonally from the inside chine to the top. When oysters are bought or sold out of the shell it shall be by wine measure, according to the standard prescribed for such measure by section fourteen hundred and sixty-eight[5] of this code. Any person violating any provision of this section shall be fined not less than twenty-five nor more than one hundred dollars for each offense. Moreover, if any inspector or other oyster official have reason to believe that measures not conforming to the above requirements are used on board any vessel or craft, or in any oyster house, he is hereby empowered to search for, seize and destroy such unlawful measures.

Sec. 3265. Resistance to officer or authorized person by threats, etc.; penalty.—Any person found guilty of resisting or impeding an officer or other person authorized to make arrests, seizures, examinations or other performances of duties under this chapter shall be fined not less than fifty nor more than five hundred dollars, and if any person, by threat, force or display of firearms or other weapons, resist or attempt to prevent arrests, seizures, examinations, or other performances of duties, by said officer or other person he shall, upon conviction thereof, be confined in jail not exceeding one month,

[5] Sec. 1468 repealed by Laws, 1924, ch. 216, p. 321, which see, supra.

and fined not less than one hundred nor more than one thousand dollars.

Sec. 3266. Who may make arrest or seize vessel.—Any member of the commission of fisheries, all inspectors and other officers in the service, shall have authority, with or without warrant to arrest any person and seize any vessel, boat, craft or other thing used in violating any of the provisions of this chapter, together with the cargo of such vessel, boat, or craft, and they shall have the same authority as constables have to summon the posse comitatus to aid them in making such arrest and seizure; and any vessel, boat, craft or other thing, together with the cargo so seized, when not forfeited to the Commonwealth in proper proceedings, may be held by the inspector or other official who made the seizure or in whose district the same was seized, until the accused has paid the penalty of his offense if upon trial he is found guilty, or has settled the amount agreed on without trial or has, upon trial, been acquitted, as the case may be.

Sec. 3273°. Penalty on inspector for neglect of duty as to sealing and inspecting; destruction of unauthorized measures.—If any inspector fail to comply with the requirements for inspecting and sealing, he shall be fined twenty dollars for each offense. If an inspector have reason to believe that other measures are used on board any vessel or craft than such as are hereinbefore prescribed, he shall seize and destroy said measures.

Code, 1919, Vol. 1, ch. 59, p. 523.

Sec. 1407°. Barrels containing breadstuffs, how made.—All barrels containing flour, meal, and bread, offered for inspection, shall be made of good seasoned timber, either split or sawed, with ten hoops, well nailed with four nails in each chine hoop and three nails in each bilge hoop. The stave shall be twenty-seven inches long, and the head seventeen inches and a half in diameter. In half barrels the staves shall be twenty-three inches long and the head twelve and a half inches in diameter.

Sec. 1408. What quantity to contain.—Each barrel of flour or corn meal shall contain one hundred and ninety-six pounds of flour or meal and each half barrel ninety-eight pounds; and in case of deficient quantity, any person offering such flour or meal for inspection shall forfeit eight cents for each pound of such deficiency not exceeding three, and seventeen cents for each pound over three.

Sec. 1409. Size of fish barrels.—All fish offered for inspection shall be packed, all of one kind in barrels of well-seasoned strong timber, clear of sap, not less than five-eighths of an inch thick, made tight, with at least twelve hoops, containing not less than twenty-eight gallons. * * *

Sec. 1410. Beef and pork, weight of barrel.—All barrels containing pork or beef offered for inspection shall be made of the same kind of timber, and of the same thickness and strength, as is prescribed for fish barrels, and shall contain at least two hundred and four pounds net of good, clean, fat, sound, merchantable meat, well salted between each layer, and well pickled. There shall not be more than two heads in any one barrel of pork, and the whole shall be well salted and cured before it is packed.

Sec. 1411. Barrel for pitch, tar, or turpentine capacity.—All barrels of pitch, tar, or turpentine offered for inspection shall contain at

least thirty-one gallons and a half, and be full of good, clean, sound, and merchantable tar, pitch, or turpentine.

Sec. 1412. How barrels for salt made.—All barrels containing salt offered for inspection shall be made of good, seasoned materials, with at least ten hoops, with four nails in each chine hoop, and three nails in each upper bilge hoop, and not exceeding thirty inches in length and eighteen inches in diameter across the head within the chine.

Sec. 1413. Lumber; staves.—All lumber offered for inspection shall be of the following dimensions and quality:

First—Long butt staves: Long butt staves, five feet six inches long, short butts, four feet six inches long; and both five inches wide, two inches thick on the thin edge, and not more than two and a half inches thick in any place when dressed;

Second—Pipe and hogshead staves: Pipe staves, four feet six inches long, three inches wide, and three-quarters of an inch thick on the thin edge, when dressed; hogshead staves, three feet six inches long, three inches wide, and three-quarters of an inch thick on the thin edge, when dressed; rough hogshead staves of the same dimensions as the dressed;

Third—Barrel staves: Barrel staves, when dressed, and rough barrel staves, shall be two feet eight inches long, three inches wide, and three-quarters of an inch thick;

Fourth—Hogshead heading: Hogshead heading shall be twenty-eight, thirty, and thirty-two inches long, with a due proportion of pieces of each length; they shall be five inches wide, and three-quarters of an inch thick on the thin edge, when dressed; and all of the above-mentioned lumber shall be of good white oak;

Fifth—Red oak hogshead staves: Red oak hogshead staves shall be three feet six inches long, three and a half inches wide including sap, and three inches wide clear of sap, and three-fourths of an inch thick on the thin edge, when dressed;

Seventh—Shingles: Building shingles shall be twenty-two inches long, four inches wide, and five-eighths of an inch thick at the butt, when dressed; and shall be free from sap; * * *.

Sec. 1414. Hemp boxes, size.—All hemp offered for inspection shall be strong, dry, sound, and merchantable, and shall be prized, either before or when inspected, in bale boxes, three feet two inches long in the clear, three feet deep, one foot eight inches wide at the bottom, and two feet at the top.

Sec. 1415. Owner, etc., to mark weight and tare.—Every barrel of flour, corn meal, bread, fish, pork, beef, tar, pitch or turpentine; every barrel, box, or bag of salt, and every bale of hemp made, packed or filled in this State and offered for inspection shall have the weight and tare thereof marked thereon by the manufacturer, packer, or filler thereof.

Sec. 1417. Violations of two preceding sections punished.—For every barrel, box, bag, or bale of any of the commodities mentioned in the two[6] preceding sections, offered for inspection, or removed from the manufactory contrary to either of said sections, the person offering the same for inspection, or the manufacturer, shall forfeit fifty cents; and if any person wilfully put a false tare or weight on any such

[6] Sec. 1416 refers to individual brands or marks of manufacturers and is omitted here, as not being relevant to weights and measures.

barrel, box, bag, or bale, he shall forfeit one dollar on every such barrel, box, bag, or bale.

Sec. 1421. Barrels of salt, gross weight and tare to be marked; weight of empty barrel.—If an inspector of salt judge the same to be merchantable, and, if packed in barrels, that they are such as are required, he shall mark or brand each barrel, box, or bag, in a durable way, with the name of his county, and with the quality thereof, as number "one," "two," or "three." He shall also weigh each barrel, box, or bag, and mark the same in like manner, with the gross weight, and with the tare, allowing for each barrel of salt twenty-eight pounds for the tare. But if he finds that the barrel exceeds that tare, he shall cause the true tare to be marked thereon, for which he shall have an extra fee of one cent on each barrel, bag, or box.

Sec. 1422. How alum salt branded.—In the case of alum salt (not to be exported in bulk), the inspector may examine the same in bulk, if desired, but shall, after it is packed, weigh and mark or brand the same, as directed in the preceding section, and also with the words "alum salt."

Sec. 1423. When he may pass or weigh salt.—No inspector shall pass any salt in a barrel of larger dimensions than is prescribed, nor shall any salt be weighed by him until it lies twenty-four hours, at least, and such additional time after packing, as the inspector shall deem sufficient for draining it.

Sec. 1427. Hemp, how labeled.—If any inspector judge any hemp offered to him for inspection to be strong, dry, sound, and merchantable, and packed in bale boxes of the proper size, he shall annex thereto a label, stamped with the quality and weight of each bale, distinguishing such as is clean, as well as dry and well conditioned, as "first" quality, and such as is not perfectly clean, though dry and well conditioned, as "second" or "third" quality.

Sec. 1435. When packages to be reweighed; expense of repacking.—An inspector, if he suspect any commodity on which the tare is marked to be falsely marked, or if the purchaser request it, shall unpack any barrel or other parcel of such commodity, and if he find the tare greater than is marked, the manufacturer or packer and filler who sold the same shall pay the expense of unpacking or repacking, in addition to any penalty imposed by law. But if otherwise, the said expense shall be paid by the inspector, if he acted on his own suspicion, or by the purchaser, if the trial was made at his request.

Sec. 1439. Penalty for selling articles falsely marked.—If any person sell, or offer to sell, any such commodity in barrels, or other package or parcel, known by him to be of less weight, size, and gauge (after allowing for ordinary shrinkage and loss of weight) than is required by law, or than is marked or branded thereon, or than is stated in the certificate of the inspector thereof, he shall forfeit ten dollars for every such barrel, package, or parcel so sold or offered for sale.

Sec. 1441. Penalty on inspector for falsely marking, etc.—If any inspector or culler mark or brand any barrel or other package of any such commodity, or give a certificate of his having inspected any lumber or salt in bulk, without having actually inspected the same, or pass or brand any such commodity as merchantable which he knows to be unfit to pass (unless ordered by reviewers, according to law), or permit any other person to use his mark or brand for that

purpose, or be guilty of any wilful neglect or omission of his duty as inspector, he shall be fined fifty dollars for every such offense.

Code, 1919, Vol. 1, ch. 58, p. 512.

Sec. 1354°. Sampling, weighing, and branding tobacco.—The samplers shall uncase and break every hogshead, cask, tierce, or box of tobacco brought to their respective warehouses to be sampled; weigh and sample it, and mark, or brand the same, as "Virginia," or "Western," according to the facts; and also, with the name of the warehouse, the tare of the hogshead, cask, tierce, or box; the quantity of net tobacco therein, and the condition thereof. The net weight shall be ascertained by weighing the hogshead, cask, tierce, or box, before it is uncased, and deducting therefrom the weight of the empty hogshead, cask, tierce, or box. The sample shall not exceed eight pounds in weight, and shall belong to the buyer of the tobacco from whom it was taken.

Sec. 1355 (1899–00). Weighing leaf tobacco in warehouses; proprietors to furnish itemized statements; penalty.—All leaf tobacco sold upon the floor of any tobacco warehouse in the State of Virginia shall first be weighed by some reliable person who shall have first sworn and subscribed to the following oath—to wit: * * *

The proprietor of each and every warehouse shall render to each seller of tobacco at his warehouse a bill plainly stating the amount charged for weighing and handling, the amount charged for auction fees, and the commission charged on such sale, or any other charges made for selling and handling such tobacco.

For each and every violation of the provisions of this section a penalty of ten dollars may be enforced, and the same may be recovered by any one so offended.

Sec. 1387°. Proprietors to furnish scales, etc.—The proprietor of every warehouse shall have proper scales or balances and weights, and all other proper conveniences provided, and see that they are kept in repair, and that the weights conform to the lawful standard.

Code, 1919, Vol. 1, ch. 49, p. 420.

Sec. 1111, as amended by Laws, 1920, ch. 130, p. 107. How bags, etc., of fertilizers branded.—All manufacturers, dealers or agents before selling, or offering for sale, in this State any commercial fertilizer, or fertilizer material, shall brand on, or attach to each bag, barrel or package, the brand name of the fertilizer, the weight of the package, the name and address of the manufacturer, * * *.

Sec. 1126 (1875–76). Fertilizers to be labeled; what label to use; standard measure of manures; measures branded.—All commercial manures, and artificially manufactured or manipulated fertilizers, brought into or manufactured in the State of Virginia, for sale, and sold or kept for sale therein, shall have permanently affixed to every sack, bag, barrel, box, or other package thereof, a stamped or printed label, which shall specify legibly the name of the manufacturer and his place of business, the net weight of such sack, bag, barrel, box, or other package * * *. And where stable manures, or commercial manures, other than such as are sold or kept for sale in sacks, bags, barrels, boxes, or other packages, are sold or bought in this State by the bushel, or by the cart load, or where the same are upon sale, delivered in this State, the standard of such measures

shall be as follows, to-wit: A bushel measure shall be no other than stave measure, which shall be uniform in shape, and of the following dimensions: The bottom to be sixteen and a half inches across, from inside to inside; the top to be eighteen inches from inside to inside, and twenty-one inches diagonally from the inside chine to the top. And in the measurement of such manures the tubs must be filled to a slight rise above the top. All such measures must be branded with the initials of the sealer of weights and measures of the county or corporation where the buyer or seller, or either of them, resides. Twenty bushels of the measure, above provided, shall constitute a merchantable cart load of such manures as are above mentioned.

Sec. 1133 (a1916). Agricultural lime, weight to be branded.—All manufacturers, dealers or agents, before selling or offering for sale in this State any agricultural lime, shall brand on, or attach to, each bag, barrel or package, the brand name of the agricultural lime, the weight of the package, the name and address of the manufacturer, * * *.

Code, 1919, Vol. I, ch. 51, p. 438.

Sec. 1205 (1916). Measuring utensils to be tested and marked; fees.—No bottle, pipette or other measuring glass or utensils shall be used in this Commonwealth by any inspector of milk or cream, or by any person in any milk-inspection laboratory, in determining by the Babcock or any other centrifugal machine, the percentage of fat in milk or cream for the purposes of inspection or by any person in any milk depot, creamery, cheese factory, condensed milk factory, or other place, in determining by the Babcock or other centrifugal machine, the composition or value of milk or cream as a basis for payment in buying or selling, until it has been tested for accuracy and verified by the chief chemist, his assistants or other experts of the department of agriculture and immigration of Virginia. Every such bottle, pipette or other measuring glass or utensil shall be submitted to the dairy and food commissioner by the owner or user thereof to be tested for accuracy before the same is used in this Commonwealth for the purposes aforesaid. The said commissioner shall cause the bottle, pipette or other measuring glass or utensil so submitted, after the fees herein provided have been paid, to be tested in the laboratory of the said department of agriculture and immigration. The owner or user shall pay to the said commissioner, as a fee for making the test, a sum not exceeding five cents for each bottle, pipette or other measuring glass or utensil tested. Any bottle, pipette or other measuring glass or utensil that has been tested and verified as aforesaid shall be marked by the chief chemist, his assistants or other experts of the said department of agriculture and immigration, to indicate the fact of such test or verification; or if tested and found to be inaccurate, may be marked by him or them to indicate that it is inaccurate. No bottle, pipette or other measuring glass or utensil that has been marked by the said chief chemist, his assistants or other experts of the said department of agriculture and immigration to indicate that it is inaccurate shall be used in this Commonwealth by any person in determining the composition or value of milk or cream.

Sec. 1206. Inspection of centrifugal machines and scales; when condemned; fees.—Every Babcock or other centrifugal machine, or cream test or butter fat test scale, used in this Commonwealth by any inspector of milk or cream or by any person in any milk inspection laboratory for determining the composition of milk or cream for purposes of inspection, or by any person in any milk depot, ice cream factory, confectionery, creamery, cheese factory, condensed milk factory, laboratory or other place for determining the composition or value of milk or cream as a basis for payment in buying or selling, shall be subject to inspection at least once in each year by the dairy and food commissioner, his assistants or agents. The owner or user of any such scale shall pay to the said commissioner as a fee for making such annual inspection the sum of one dollar for each scale inspected. Any Babcock or other centrifugal scale used as aforesaid, that is not in the opinion of the said commissioner or his assistants or agents in condition to give accurate results, may be condemned by the commissioner or his assistants or agents. No Babcock or other centrifugal machine or scale that has been condemned by said commissioner or his assistants or agents as not in condition to give accurate results shall be used in this Commonwealth by any person for determining the composition or value of milk or cream as aforesaid, unless the machine or scale be changed to the satisfaction of the said commissioner or his assistants or agents, and approved by him.

Sec. 1208. To whom certificates issued; rules for application and examination therefor; standards of milk and cream measure; samples.—* * * The dairy and food commissioner is hereby authorized to fix such standards and to issue such regulations as may be deemed necessary to carry out the provisions of law; but in the use of the Babcock or other centrifugal machine, the standard milk measurer or pipettes shall have a capacity of seventeen and six-tenths cubic centimeters and the standard test tubes or bottles for milk shall have a capacity of two cubic centimeters for each ten per centum marked on the necks thereof; cream shall be tested by weight and the standard unit for testing shall be eighteen grams, and it is hereby made a violation of law to use any other standard of milk or cream measure where milk or cream is purchased by or furnished to creameries or cheese factories, and where the value of said milk or cream is determined by the per centum of butter fat contained in the same or where the value of milk or cream is determined by the per centum of butter fat contained in the same by the Babcock or other centrifugal test or cream test or butter fat test scales. In sampling milk or cream from which composite tests are to be made to determine the per centum of butter fat contained therein, no such sample or sampling shall be lawful unless a sample be taken from each weighing, and the quantity thus used shall be proportioned to the total weight of the milk or cream tested.

Sec. 1209. Tests of measuring glasses or utensils; inspection of machines and scales annually; collection of fees; entry by commissioner and agents upon certain premises.—It shall be the duty of the dairy and food commissioner and he is hereby authorized, to test or cause to be tested all bottles, pipettes and other measuring glasses or utensils submitted to him as provided in section twelve hundred and

five, to inspect or cause to be inspected at least once each year every Babcock or other centrifugal machine or cream test or butter-fat test scales used in this Commonwealth by an inspector of milk or cream or by any person in any milk-inspection laboratory for purposes of inspection, or by any person in any milk depot, ice-cream factory, confectionery, creamery, cheese factory, condensed-milk factory, or other place for determining the composition or value of milk or cream as a basis for payment in buying or selling, and to collect or cause to be collected the fees provided for by law. The said dairy and food commissioner, his assistants or agents, are further authorized to enter upon any premises in this Commonwealth where any centrifugal machine or cream test and butter-fat test scales is used as aforesaid to inspect the same and to ascertain if the provisions of law are complied with.

Sec. 1210. Penalty for over-reading or under-reading, etc., test effect of tender of payment.—Any person who shall by himself or as the officer, servant, agent or employee of any person, firm or corporation, falsely manipulate or underread or overread the Babcock test or any other contrivance used for the purpose of determining the amount of milk fat in milk or cream, or who shall make any false determination of any test or contrivance used for the purpose of determining the amount of milk fat in any dairy products, shall be guilty of a misdemeanor. The tender of payment for milk or cream at any given test, shall constitute prima facie evidence that such test was made.

Code, 1919, Vol. 1, ch. 52, p. 471.

Sec. 1234 (1910). What must be on exterior of package, etc., of concentrated commercial feeding stuff.—Every lot or parcel of concentrated commercial feeding stuff sold, offered or exposed for sale within this State, shall have affixed thereto, or printed thereon, in a conspicious place on the outside thereof, a legible and plainly printed statement, in the English language, clearly and truly certifying the net weight of the package; the name, brand or trade-mark under which the article is sold; the name, and address of manufacturer, jobber or importer; * * * But all concentrated commercial feeding stuffs shall be in standard-weight bags or packages of twenty-five, fifty, seventy-five, one-hundred, one hundred and twenty-five, one hundred and forty, one hundred and fifty, one hundred and seventy-five, and two hundred pounds.

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Pierce's Code, 1921, Vol. 1, p. 2027.

Sec. 7251 (1913). National standards adopted as State standards; State standards to govern; false standards.—The weights and measures, received from the United States under a resolution of Congress approved June 14, 1836, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or renewal thereof, and such as shall be supplied by the State in conformity therewith and certified by the National Bureau of Standards, shall be the State standards, by which all county and municipal standards of weights and measures shall be tried, approved and sealed.

All weights, measures, scales, scale beams, patent balances, steelyards, automatic or computing scales, or other instruments for weighing or measuring, by which any merchandise, commodity or thing is bought or sold by weight or measure, or offered or exposed for sale, shall conform to the State standards herein prescribed.

Any weight, measure, scale, scale beam, patent balance, steelyard, automatic or computing scale or other instrument or device for weighing or measuring which does not conform to such State standards is hereby declared to be a false weight or measure.

Sec. 7252 (a1917). Department of weights and measures established; deputy superintendent and inspector authorized; duties of superintendent; standards to be tested; county and city standards tested; institution's weights and measures tested annually; annual report; county and city standards tested biennially; powers of local inspector; instructions to be issued; bond.—There is hereby created a department of weights and measures in and for the State of Washington.[1] The secretary of state shall be ex officio superintendent of weights and measures and the head of the department herein created. He shall appoint a deputy superintendent of weights and measures and one inspector whose terms of office shall expire with that of the superintendent. The deputy shall receive a salary of twenty-four hundred dollars per annum, and the inspector shall receive a salary of fifteen hundred dollars per annum. He shall also appoint as many persons as he shall deem necessary, not to exceed twelve in number, as local inspectors, who shall be known as State sealers and who shall receive a compensation to be determined by the superintendent, and shall be removable at will by him: *Provided, further*, That the total expenditures for this department shall not exceed $35,000 for any biennium. There shall be allowed for maintenance of the department of weights and measures such sums as shall be appropriated by the legislature. The superintendent shall take charge of the State standards, cause them to be kept in a safe and suitable place in the office of the superintendent, from which they shall not be removed except for repairs or for certification, and he shall take all other necessary precautions for their safe-keeping. He shall maintain the

[1] See sec. 4–1, et seq., infra, p. 869.

State standards in good order and shall submit them at least once in ten years to the National Bureau of Standards for certification. He shall at least once in five years try and prove by the State standards all weights, measures and other apparatus which may belong to any county or city, and shall seal such when found to be accurate, by stamping on them with seals which he shall have and keep for that purpose, the letter "W" and the last two figures of the year in which the same are sealed. He shall have and keep a general supervision of the weights, measures and weighing and measuring devices offered for sale, sold or in use in the State. He shall, upon the written request of any citizen, firm, corporation or educational institution in the State, test or calibrate weights, measures, weighing or measuring devices and instruments or apparatus used as standards in this State. He, or his deputy, or his inspectors, by his direction, shall, at least once annually, test all scales, weights and measures used in checking the receipts or disbursements of supplies in every institution for the maintenance of which moneys are appropriated by the legislature, and he shall report in writing his findings to the supervising board and to the executive officer of the institution concerned, and at the request of such board or executive officer, the superintendent of weights and measures shall appoint in writing one or more employes, then in the actual service of each institution, who shall act as special deputies for the purpose of checking the receipts or disbursements of supplies. He shall keep a complete record of the standards, balances and other apparatus belonging to the State and take receipt for same from his successor in office. He shall annually, on the first day of October make to the governor a report of the work done by his office. The State superintendent, or his deputy, or inspectors at his direction, shall inspect all standards and apparatus used by the State sealers and cities of the first class, having a population of more than 50,000 people, at least once in two years, and shall keep a record of the same. He or his deputy or inspectors, at his direction, shall at least once in two years visit the various cities and counties in the State, in order to inspect the work of the local sealers, and in the performance of such duties he may inspect the weights, measures, balances or any other weighing or measuring appliances of any citizen, firm or corporation, and shall have the same powers as the local sealer of weights and measures. The superintendent shall issue from time to time, regulations for the guidance of State and city sealers, and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties. The deputy State superintendent of weights and measures shall forthwith, on his appointment, give a bond in the penal sum of $5,000.00 with sureties to be approved by the governor for the faithful performance of the duties of his office, and for the safety of the standards entrusted to his care, and for the surrender thereof immediately to his successor in office or to the person appointed by the governor to receive them.

Sec. 7253 (1917). Jurisdiction over weighing devices of common carriers.—The secretary of state as ex-officio superintendent of weights and measures,[2] shall have the power and it shall be his duty to exer-

[2] These duties transferred to director of agriculture. See p. 869.

cise all the powers and perform all the duties now vested in and required to be performed by the public service commission with respect to weighing devices used by common carriers other than track scales, and such scales and devices shall be subject to the rules and regulations promulgated by the superintendent of weights and measures.

Sec. 7254 (a1917). Public standards for city and State sealers.—The superintendent of weights and measures, and the common council or city commission of each city having a population of more than fifty thousand people shall procure at the expense of the State or city, and shall keep at all times a complete set of weights and measures and other apparatus, of such materials and construction as the said superintendent of weights and measures may direct. All such weights, measures and other apparatus having been tried and accurately proven by him, shall be sealed and certified to by the State superintendent as hereinbefore provided; and shall then be deposited with and preserved by the city sealer as public standards for such city, and by the State sealer for use as public standards in any county in the State.

Whenever the common council or city commission of any such city shall neglect for six months so to do, the city clerk or comptroller of said city, on notification and request by the superintendent of weights and measures, shall provide such standards and cause the same to be tried, proved, sealed and deposited at the expense of such city.

Sec. 7255 (a1917). Powers of State sealer; packages of commodities to be weighed; violation; may condemn and seize.—Where not otherwise provided by law the State sealer shall have the power to inspect, test, try and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments or mechanical device for measurements and tools, appliances or accessories connected with any or all of such instruments or measures kept for the purpose of sale, sold or used or employed within any county in the State by any proprietor, agent, lessee or employee in proving the size, quantity or extent, area or measurement of quantities, things, produce, articles for distribution or consumption offered or submitted by such person or persons for sale, for hire or award; and he shall have the power to and shall from time to time weigh or measure packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered for sale or sold, or in the process of delivery, in order to determine whether the same contains the amount represented, and whether they are being offered for sale or sold in a manner in accordance with law. He may for the purpose above mentioned, and in the general performance of his official duties, enter and go into or upon, and without formal warrant, any stand, place, building or premises, or stop any vendor, peddler, junk-dealer, coal-wagon, wood-wagon, ice-wagon, delivery-wagon or any dealer whatsoever, and require him, if necessary, to proceed to some place which the sealer may specify, for the purpose of making the proper tests. Whenever the State sealer finds a violation of the statutes relating to weights and measures, he shall cause the violator to be prosecuted. Whenever the sealer compares weights, measures or weighing or measuring instru-

ments, and finds that they correspond or causes them to correspond with the standards in his possession, he shall seal or mark such weights, measures or weighing or measuring instruments with appropriate devices to be approved by the State superintendent of weights and measures. He shall condemn and seize and may destroy incorrect weights, measures or weighing or measuring instruments which can not be repaired; and such as are incorrect and yet may be repaired, he shall mark or tag as "condemned for repairs"—in a manner prescribed by the State superintendent of weights and measures. The owner or users of any weights, measures or weighing or measuring instruments of which such disposition is made, shall have the same repaired or corrected within ten days and they may neither use nor dispose of the same in any way, but shall hold the same at the disposal of the sealer: *Provided*, That State sealers may, by direction of the secretary of state, perform the duties and exercise the powers of deputies appointed by the secretary of state, pursuant to the provisions of [sec. 196] chapter 142, Laws of 1915, and acts amendatory thereto: *Provided further*, That deputies appointed by the secretary of state pursuant to the provisions of chapter 142, Laws of 1915, and acts amendatory thereto, may, by direction of the secretary of state, perform the duties and exercise the powers of [the secretary of] state sealers as hereinbefore set forth.

Sec. 7256. City sealers in cities of over 50,000.—There shall be a city sealer of weights and measures in cities of the first class having a population of more than fifty thousand people, to be appointed by the mayor from a list to be furnished by the civil service board, and under the rules of said board, where such board exists; otherwise he shall be appointed by the mayor by and with the advice and consent of the common council or city commission. He shall perform in said city the duties and have like powers as a State sealer: *Provided, however*, That in every case where any city of the first class has heretofore made, or may hereafter make provision by charter or ordinance for the enforcement of proper legal weights and measures vesting general supervision and direction in any official at the head of any department of such city, such official for the purpose of this act, shall be ex officio sealer of weights and measures in such city, and he and his subordinate or subordinates, shall have the duties and powers of city sealers of weights and measures, and the powers of such cities relative to weights and measures shall be additional to the powers granted such city by law or charter: *And provided further*, That the State sealer shall exercise no powers and discharge no duties in any city of the first class having its own sealer of weights and measures.

Sec. 7257 (1913). False weights and measures, using, possessing, removing tag from; using unsealed apparatus; penalties.—Any person, who, by himself or his servant or agent or as the servant or agent of another, shall use or retain in his possession a false weight or measure or weighing or measuring device, or any weight or measure or weighing or measuring device which has not been sealed by a sealer of weights and measures within one year, in the buying or selling of any commodity, or thing; or who shall dispose of any condemned weight, measure or weighing or measuring device contrary to law, or remove any tag placed thereon by the sealer; or

any person who, by himself or by his servant or agent, or as the servant or agent of another, shall sell or offer or expose for sale less than the quantity he represents; or sell or offer or expose for sale any such commodities in a manner contrary to law; or any person who by himself or by his servant or agent or as the servant or agent of another shall sell or offer for sale, or have in his possession for the purpose of selling any device or instrument to be used to or calculated to falsify any weight or measure, shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty (20) dollars nor more than two hundred (200) dollars, or by imprisonment in the county jail not more than three months, or both such fine and imprisonment upon a first conviction, but upon a second conviction he shall be punished by a fine of not less than fifty (50) dollars, nor more than five hundred (500) dollars, or by imprisonment in the county jail not more than six months, or both such fine and imprisonment.

Sec. 7258. Arrests, etc., by sealers.—The superintendent of weights and measures, his deputy and inspectors, and the county [State sealers] and city sealer of weights and measures, are hereby made special policemen, and are authorized and empowered to arrest, without formal warrant, any violator of the statutes in relation to weights and measures, and to seize, for use as evidence, and without formal warrant, any false weight, measure or weighing or measuring device or packages or amounts of commodities found to be used, retained or offered or exposed for sale, or sold in violation of law.

Sec. 7259. Obstructing officers; penalty.—Any person who shall hinder or obstruct, in any way, the superintendent of weights and measures, his deputy or inspectors, or any county or city sealer, in the performance of his official duties, shall be guilty of a misdemeanor, and shall be punished upon conviction thereof, in any court of competent jurisdiction, by a fine of not less than twenty (20) nor more than two hundred ($200) dollars or by imprisonment in the county jail for not more than 90 days or by both such fine and imprisonment.

Sec. 7260, as amended by Laws, 1923, ch. 126, p. 342. Butter, sale by standard packages; bread, standard loaves; variations; return of bread; potatoes; berries; coal; penalty; milk; vinegar; net weight or measure to govern; ice; official weights; penalty; firewood; standard unit or load.—A standard package or container of butter in the State of Washington shall contain sixteen (16) ounces net weight or thirty-two (32) ounces net weight, and a standard package or container need have no statement of the net weight of its contents.

Whenever butter is sold or offered for sale in a package or container the net weight of which is more or less than the standards herein described, such package or container shall be labeled in plain English words or figures with the correct net weight of its contents expressed in pounds and ounces together with the name of the manufacturer or jobber.

That no person, firm or corporation shall hereafter manufacture, sell, offer or expose for sale bread, except in the following weights, which shall be net weights twelve hours after baking: One pound, one and one-half pounds, two pounds, three pounds, four pounds and

five pounds, or other pound weights. Variations at the rate of one ounce per pound over, and one ounce per pound under above specified unit weights are permitted in individual loaves, but the average weight of not less than twelve loaves of any one unit of any one kind shall not be less than the weight prescribed by these regulations for such unit.

That no person, firm or corporation engaged in the manufacture of bread, or other bakery products, for sale, shall hereafter, directly or indirectly accept under any guise or arrangement whatever, returns of bread or other bakery products from any person, firm or corporation, nor make cash payments, nor allow credit to any retailer or other person for any unsold bread or other bakery products; nor shall any manufacturer of bread or other bakery products exchange any bread or other bakery products for other bread or other bakery products previously sold by said manufacturer.

A standard sack of potatoes in the State of Washington shall contain one hundred (100) pounds net weight, and a standard sack of potatoes need have no statement of the weight of its contents. Whenever potatoes are sold by the sack, in sacks containing more or less than the standard, such sack shall be labeled in plain English words or figures with its true net weight.

All sales of blackberries, currents, strawberries, cranberries, blueberries, gooseberries, cherries and similar berries in packages containing less than one bushel, shall be sold by the dry quart containing 67.2 cubic inches or the dry pint containing 33.6 cubic inches, and all berry boxes sold, used or offered for sale within the State shall be of the interior capacity of 67.2 or 33.6 cubic inches, unless the same be labeled in plain English words or figures with its correct interior capacity expressed thereon in cubic inches. Nothing in the above section shall be so construed as to prevent the sale of any of the articles therein mentioned by weight.

A standard sack of coal in the State of Washington shall contain one hundred (100) pounds net weight and a standard sack of coal need have no statement of the net weight of its contents.

Whenever coal is sold or offered for sale by the sack, in sacks containing more or less than one hundred (100) pounds net weight, such sack shall be labeled in plain English words or figures with the true net weight of its contents expressed in pounds. It shall be unlawful for any person, firm or corporation or their agents, servants or other employees to misrepresent any coal offered for sale or to sell coal of any particular name or designation, or from any particular mine under the name or designation of another coal or mine.

All milk, cream or buttermilk sold in the State of Washington, in bottles, shall be sold only in bottles containing one-half pint, one pint, one quart, one-half gallon or one gallon standard liquid measure.

All vinegar sold, exposed or offered for sale in the State of Washington, in bottles, shall be sold in bottles containing one-half pint, one pint, one quart, one-half gallon or one gallon standard liquid measure and when so sold need have no statement of the net measure of its contents.

Whenever vinegar is sold in the State of Washington in bottles containing more or less than mentioned in the foregoing section,

such bottles shall be labeled in plain English words and figures, with its true net measure.

It shall be unlawful for any person, firm or corporation in the State of Washington to buy any commodity upon the basis of weight or measure except the same be bought upon the basis of the true net weight or measure and unless the scales or measures so used shall bear the seal of a sealer of weights and measures and conform to the standards adopted by the State of Washington.

Every vendor of ice in the State of Washington shall at the time of actual delivery of any ice sold, weigh the quantity of ice delivered, and for that purpose shall use a steelyard balance or other apparatus for weighing such ice, which shall have been duly adjusted and sealed by a duly appointed sealer of weights and measures in accordance with the provisions of the laws of the State of Washington, and all ice delivered to consumers within this State shall be sold by avoirdupois weight unless it is otherwise specially agreed upon between the buyer and the seller.

Each and every pair of ice tongs used in the delivery of ice within said State shall have prominently and conspicuously stamped thereon the exact and true avoirdupois weight of said tongs.

It shall be unlawful for any vendor, or his servant, agent or other employee in the State of Washington, to offer to sell, or sell, or sell and deliver any commodity ordinarily and usually sold in bulk or quantity by weight or measure, unless the same be weighed or measured as the case may be upon or by officially tested and approved weights, measures, scales, scale-beams, patent balances, steelyards, automatic or computing scale or other instruments for weighing or measuring, and unless that portion of such commodity so offered for sale or sold by weight or measure shall be the true net weight or measure.

It shall be unlawful for any vendor of firewood in the State of Washington, or his servant, agent or other employees to sell or offer for sale the same in the State in any quantity or by any measures except by the cord or fractional part thereof. The standard measurements of a cord of firewood in this State is hereby fixed and established at one hundred twenty-eight (128) cubic feet: *Provided, however*, That wood sixteen (16) inches or less in length may be sold without being measured as above provided, but if so sold by the unit or load or fractional part thereof, such wood shall be measured by throwing the same loosely or at random into a rectangular box or container and when so measured one hundred ninety-two (192) cubic feet shall constitute a unit or load of wood.

Every vendor of firewood, his servant, agent or other employees shall, with every delivery of firewood, deliver to the purchaser a sales ticket or bill in writing containing the vendor's name and address, and a true statement of the quantity delivered and the price thereof, and the kind and condition of the same.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Sec. 7260a (1919). Standard package or container for cranberries.—A standard package or container for cranberries in this State shall contain one thousand nine hundred forty-two (1,942) cubic inches and

be equivalent to one-third of a United States cranberry barrel,[3] and need have no statement of its cubical contents but shall be marked in plain letters, not less than one-quarter inch in height, "ONE-THIRD UNITED STATES CRANBERRY BARREL," or the net weight of the contients [contents] thereof.

Sec. 7260b. Marking less than standard packages at wholesale.—All cranberries offered for sale at wholesale in this State, in packages or containers, the cubical contenfits [contents] of which are less than the standard above defined, shall be marked in plain letters and figures, not less than one-quarter inch in height, with the cubical contents in inches or the net weight of the contents.

Sec. 7260c. Standard for retail sales.—Cranberries sold at retail shall be sold by dry measure quarts containing sixty-seven and two-tenths (67.2) cubic inches, or dry measure pints containing thirty-three and six-tenths (33.6) cubic inches or by weight.

Sec. 7260d. Penalty.—Every person violating any provision of this act shall be deemed guilty of a misdemeanor.

Sec. 7261 (1913). Public service commission's powers not abrogated.—Nothing contained in this act[4] shall be construed as withdrawing or superseding the powers and duties of the public service commission of Washington with respect to track scales and other weighing devices used by common carriers, but the standards herein established shall be used in testing the track scales and weighing devices of such carrier.

Sec. 7262 (1907). Coal, weight of gross and net ton.—That 2,240 pounds shall constitute a gross ton of coal, and 2,000 pounds shall constitute a net ton of coal.

Sec. 7263. Penalty for short weight.—Any person selling less than 2,000 pounds for a ton shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) or imprisoned in the county jail not less than ten days nor more than six months, or fined and imprisoned both, in the discretion of the court.

Sec. 7264 (1903). Standard size for apple and pear boxes.—There is hereby created and established a standard size for apple boxes and pear boxes for the State of Washington.

Sec. 7265. Same; measurements.—The standard size of an apple box shall be eighteen inches long, eleven and one-half inches wide, ten and one-half inches deep, inside measurement. The standard size of a pear box shall be eighteen inches long, eleven and one-half inches wide, eight inches deep, inside measurement.

Sec. 7266 (1890). Unit of water.—That the unit of measure for water for irrigation, mining, milling and mechanical purposes in this State shall be a cubic foot of water per second of time.

Sec. 7204 (1917). Units of measurement.—The legally recognized units of water measurement shall be as follows: For flowing water—one cubic foot of water per second of time, and to be designated "second-foot." For absolute volume or quantity of water—forty-three thousand five hundred sixty cubic feet of water, and to be designated "acre-foot."

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[3] See p. 20 relative to Federal standard barrel.

[4] Sec. 7261 was enacted as sec. 10 of ch. 52, Laws of 1913, which includes secs. 7251 to 7260, inclusive, except 7253, supra.

Sec. 7267 (1890). Deduction of tare on hops; bale of hops.—The amount of tare to be deducted from the gross weight of each bale of hops grown and hereafter sold in this State is hereby fixed at five pounds per bale. Five yards of baling cloth is the maximum quantity to be used in making the bale, and the standard weight of each yard of baling cloth is hereby fixed at from twenty-four to thirty ounces. The standard weight for a bale of hops is hereby fixed at from one hundred and seventy-five to two hundred and ten pounds. Any vendor of hops using heavier sacking than that specified in this section, or using any extraneous matter in the baling thereof, shall have the same deducted as additional tare.

Pierce's Code, 1921, Vol. 1, p. 842.

Sec. 2722, as amended by Laws, 1923, ch. 37, p. 84. Packages containing apples, pears, or peaches to be marked with net weight or number.—It shall be the duty of every person growing or packing and selling, offering for sale or shipping in closed boxes or packages, any fruit grown in this State, to plainly mark the same on the outside of the box or package with the name of the variety contained therein or with the words " variety unknown," the name of the place or locality where grown and the name of the grower, or in case of sale or shipment through an association or organization of growers, the name of such association or organization and the lot number of the grower, and, in case of apples, pears, or peaches, the net weight or the number contained in the package * * *.

Pierce's Code, 1921, Vol. 1, p. 10.

Sec. 4–1 (1921). Administrative code.—This act shall be known and may be cited as the administrative code.

Sec. 4–2. Departments created.—There shall be, and are hereby created, departments of the State government which shall be known respectively as, (1) the department of public works, * * * (8) the department of agriculture, * * * which departments shall be charged respectively with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 4–83. Department of agriculture, divisions.—The department of agriculture shall be organized into, and consist of, five divisions, to be known respectively as, (1) the division of agriculture, (2) the division of horticulture, (3) the division of dairy and livestock, (4) the division of foods, feeds, drugs, and oils, and (5) the division of weights and measures. The director of agriculture shall have charge and general supervision of the department and shall receive a salary of not to exceed seventy-five hundred dollars per annum.

Sec. 4–87. Supervisor of foods, feeds, drugs, and oils.—The director of agriculture shall have the power to appoint and deputize an assistant director, to be known as the supervisor of foods, feeds, drugs, and oils, who shall have charge and supervision of the division of foods, feeds, drugs, and oils, and, with the approval of the director, shall have power to appoint and deputize such inspectors, and to appoint and employ such clerical and other assistants, as may bet necessary to carry on the work of the division.

Sec. 4–88. Supervisor of weights and measures.—The director of agriculture shall have the power to appoint and deputize an assistant

director, to be known as the supervisor of weights and measures, who shall have charge and supervision of the division of weights and measures, and, with the approval of the director, shall have power to appoint and deputize such sealers, testers, and inspectors, and to appoint and employ such clerical and other assistants, as may be necessary to carry on the work of the division.

Sec. 4–94. Powers and duties of department of agriculture regarding weights and measures.—The director of agriculture shall have the power, and it shall be his duty, through and by means of the division of weights and measures:

(1) To exercise all the powers and perform all the duties relating to weights and measures, now vested in, and required to be performed by, the secretary of state, the superintendent of weights and measures, the deputy superintendent of weights and measures, the inspector of weights and measures, and the State sealers.

Pierce's Code, 1921, Vol. 1, p. 202.

Sec. 678 (1890). Cities may regulate weights and measures.—Any such city [of the first class, having a populaton of twenty thousand or more inhabitants] shall have power * * *

16. To establish and regulate markets, and to provide for the weighing, measuring, and inspection of all articles of food and drink offered for sale thereat, or at any other place within its limits, by proper penalties, and to enforce the keeping of proper legal weights and measures by all venders in such city, and to provide for the inspection thereof; * * *.

Pierce's Code, 1921, Vol. 1, p. 774.

Sec. 2538, as amended by Laws, 1923, ch. 36, p. 80.— * * * For the purposes of this act an article shall also be deemed to be misbranded: * * *

In the case of food: * * * Third. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count: *Provided, however*, That the reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of chapter 168, Session Laws of 1917. * * *

Pierce's Code, 1921, Vol. 2, p. 2578.

Sec. 8894 (1909). Using false weights and measures.—Every person who shall injure or defraud another by using, with knowledge that the same is false, a false weight, measure or other apparatus for determining the quantity of any commodity or article of merchandise, or by knowingly misrepresenting the quantity thereof bought or sold; or who shall retain in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it or permit it to be used in violation of the foregoing provisions of this section, shall be guilty of a gross misdemeanor.

Pierce's Code, 1921, Vol. 2, p. 2628.

Sec. 9131–9 (1877). Charcoal measure.—All baskets for measuring charcoal, in this State shall contain two bushels and shall be of the

following dimensions, viz: Nineteen (19) inches in breadth in every part thereof, and seventeen and one-half inches (17½) deep, measuring from the top of the basket to the highest part of the bottom and be well heaped: *Provided*, That nothing in this act shall be construed so as to prevent the use of any basket, box or other measure in conformity with the standard of measurements as provided in this section.

Sec. 9131–10. Penalty.—Any person or persons who shall violate the provisions of the preceding section shall be liable to a fine of five dollars for each and every offense so committed, to be collected in similar manner as other fines for similar cases are now collected, and all fines collected as aforesaid shall belong to the school fund of the county in which such offense or offenses may have been committed.

Pierce's Code, 1921, Vol. 1, p. 26.

Sec. 84–3 (1919). Commercial feeding stuff, net pounds, to be shown.—Any person, company, corporation or agent, that shall sell, offer or expose for sale, any concentrated commercial feeding stuff in this State shall * * * affix or cause to be affixed to every package or sample of such concentrated commercial feeding stuff, in a conspicuous place on the outside thereof, a tag or label, which shall be accepted as a guarantee of the manufacturer, importer, dealer, or agent, and which shall have plainly printed thereon, in the English language, the number of net pounds of concentrated commercial feeding stuff in the package or bulk shipment, the name, brand or trade-mark under which the concentrated commercial feeding stuff is sold, the name and address of the manufacturer, importer, dealer or agent, * * *.

Sec. 85 (1899). Commercial fertilizers, weight to be marked.—Every lot or parcel of commercial fertilizers or material used for manurial purposes sold, offered or exposed for sale within this State, the retail price of which is ten dollars or more per ton, shall be accompanied by a plainly printed label, stating clearly and truly the number of ten pounds of fertilizer in the package, the name, brand or trademark under which the fertilizer is sold, the name and address of the manufacturer or importer, the place of manufacture * * *.

Pierce's Code, 1921, Vol. 1, p. 1564.

Sec. 5546 (1911). Railroads to provide facilities for testing track scales; test car or device; track scales tested; fees.—It shall be the duty of all railroads operating in this State, to provide suitable facilities for the testing of all track scales used by such railroads. The commission [public service commission] is hereby authorized, after a hearing, upon its own motion and after notice to the railroads operating in this State, to order a suitable car or other device or facility to be provided by the railroad companies operating in this State, to be used in testing the track scales used by such railroads, the expenses of providing such car, device or facility to be equitably and reasonably apportioned among the different railroad companies by the commission. Such car, device or facility shall be used by the commission to test the accuracy of all track scales, and the different railroad companies shall transport and move such car, device or facility without charge therefor, to the different places designated by the commission under such reasonable rules and regulations as the commission may

prescribe. Such car, device or facility may be used in adjoining States to test the scales of railroad companies and for that purpose may be taken beyond the limits of the State under such reasonable rules and regulations for the due care and return thereof as the commission may prescribe. The commission is hereby authorized to prescribe and collect a reasonable fee sufficient to cover the cost and expenses connected therewith for the inspection and testing of all scales.

Sec. 5587. Weighing of freight; scale tests.—The commission shall have power to enforce reasonable regulations for the weighing of cars and freight offered for shipment over any line of railroad, and to test the weights made by any railroad and scales used in weighing freight on cars.

Sec. 5679 (a1907). Equipment of flat cars; stakes; weight deducted.—The stakes, standards, supports, stays, railings and other equipments, appliances and contrivances necessary to effectually and suitably equip and supply every and all flat cars, and cars belonging to any and every railroad company, or person engaged in the business of carrying for hire in this State shall constitute and be held considered part and parcel of said cars, and the weight of same shall be added to the weight of the cars, and shall be deducted from the weight of the cargo, commodity, or product shipped on any and all such flat car or cars so that the freight charges shall be charged by the carrier only on the cargo, commodity or product carried.

Sec. 5683 (1905). Scales at junctions.—That all railroad companies operating as common carriers within the limits of this State shall hereafter be required to provide scales, and weigh at junction or at some common point within this State all cars loaded with lumber, shingles or other forest products for shipment.

Sec. 5684. Charges, how based.—All charges for freight on said commodities, except where error is apparent, shall be based on the weights determined by the weighing stations within the limits of this State, and all bills of lading of railroad companies operating within the limits of this State shall specify these provisions: *Provided*, This act shall not apply to switching charges or to the handling of logs where the charge is by the car or by the thousand feet.

Sec. 5685. Statement of weight; shipper's count.—Any railroad company's employe acting as weigher shall upon request of any shipper give him a statement showing gross and net weight of any shipment by him. Sworn count and weight of shipper shall be presumptive evidence of true weight where error in railroad weights is apparent.

Sec. 5686. Cars weighed separately.—All cars shall be weighed on the scales separately, and not attached to other cars, and at a standstill.

Sec. 5687. Penalty for violation.—In case of violation of the provisions of this act by any railroad company, it shall pay a penalty of twenty dollars ($20) for every car it shall neglect to weigh and bill within the State as above provided, to be recovered from such company in action where there is any agent of such railroad company who may be served with process, and the penalties recovered under this act shall be paid into the county treasury in such county where action is taken.

Sec. 5688. May contract regarding weights, when.—Nothing contained in this bill shall interfere with the right of the shipper and carrier to enter into a private contract regarding weights when it is impracticable to weigh.

Sec. 5689 (1901). Railroads to provide scales; freight charges based on weight.—All railroad companies operating any railroad or any part thereof within the limits of this State are required to provide scales and weigh at some common point or points within this State all cars loaded with lumber, shingles or any other forest products destined for shipment to any and all points within the limits of the State, and also carload shipments of said commodities to any and all points outside of the limits of this State. Also that charges for freight on said commodities be based on the weights determined by the weighing stations within the limits of this State. Also that all bills of lading of railroads operating within the limits of this State specify said provision.

Pierce's Code, 1921, Vol. 1, p. 816.

Sec. 2642 (1919). Public warehouse; terminal warehouse.—The term public warehouse when used in this act, includes any elevator, mill, warehouse or structure in which grain, hay or peas are received from the public for storage, shipment or handling, whenever such grain, hay or peas are carried or intended to be carried to or from such warehouse, elevator, mill or structure by a common carrier.

The term terminal warehouse, when used in this act, includes any public warehouse situate in Seattle, Tacoma, Spokane or other cities in the State which may be hereafter designated as inspection points. * * *

The term commission when used in this act means the public service commission of Washington.

Sec. 2643. Duties of public service commission.—The commission shall exercise general supervision over the handling, weighing, inspecting and storage of grain, hay and peas and the inspection, grading and weighing of other commodities included in the provisions of this act and the regulation of public and terminal warehouses. Such commission shall investigate all complaints of fraud and injustice in the grain and hay trade and in the trade in the other commodities included in the provisions of this act, fix the charges of public and terminal warehouses and make all necessary rules and regulations for carrying out and enforcing the provisions of this act, and of all laws of the State relating to this subject.

Sec. 2644. Chief inspector; salary.—The commission, with the approval of the governor, shall appoint a chief inspector, who shall be thoroughly familiar with the grains, grain products and forage crops of Washington and who shall have had at least five years' experience in the handling of such products. * * * He shall receive such salary as the commission may determine upon, in no event to exceed twenty-five hundred dollars ($2,500.00) per annum, and necessary traveling expenses and shall reside at Tacoma.

Sec. 2645, as amended by Laws, 1921, ch. 145, p. 540. Appointment of deputies, etc.—The chief inspector, with the approval of the commission, shall appoint such number of deputies, inspectors, samplers and weighers, who shall be designated as inspectors, as may be necessary to properly and thoroughly inspect and weigh the commodities

included in the provisions of this act and such other employees as may be necessary. One of such inspectors in each of the cities of Seattle, Tacoma, Spokane, Everett and Yakima and such other places as may be designated by the commission, shall be styled chief deputy inspector. * * *

Sec. 2649, as amended by Laws, 1921, ch. 145, p. 540. State inspection and weighing.—The cities of Seattle, Tacoma, Spokane, Everett and Yakima shall be provided with State inspection and weighing under this act. Such other cities and towns or districts where commodities included in the provisions of this act, are received or shipped by common carrier, and the shipments are such as would reasonably justify and render necessary the inspection and weighing thereof, may be designated by the commission as inspection points and be provided with State inspection and weighing: *Provided*, That the expenditure for the inspection and weighing at each of such points designated by the commission shall not exceed the receipts of the fees at such place.

Sec. 2653, as amended by Laws, 1923, ch. 48, p. 143. Certain commodities may be weighed and graded, when; fees.—The director of the department of agriculture shall fix and establish standard grades to apply to all grain and hay, bought or handled by the public or terminal warehouses, or bought according to State grades in this State. * * * The director may authorize the weighing and grading, upon request of any interested party, of commodities of commerce, other than grain or hay, such as grain or hay products, rice, beans and other similar articles, nitrates and other fertilizers, sulphur and other chemicals used in the arts or in manufacturing, when same are received from or delivered to any rail or water carrier in the State in commercial transportation, and may authorize the certification of the weights and grades thereof. Fees for such service, sufficient to cover the cost thereof, shall be fixed by the director. * * *

Sec. 2670, as amended by Laws, 1921, ch. 145, p. 540. Side tracks; track scales; penalty; inspection of scales.—Any railroad delivering grain or hay in cars at any of the places provided with State inspection under this act shall provide convenient and suitable side tracks and loading facilities at such places as the commission may designate, on which all cars of grain or hay delivered by them shall, upon arrival, be set and arranged convenient for inspection, and after inspection such railroad company shall promptly distribute all such cars of grain and hay and set them at the proper place or places to be unloaded as designated by the consignor or consignee. Such railroad company shall provide at such place or places as the commission may designate suitable track scales for weighing cars of grain or hay. Such scales shall be under the control of the commission. It shall be the duty of the commission to require the railroad company to correct all scales so provided as often as may be necessary to insure the correct weighing of grain or hay. Whenever scales have been installed by any railroad company as above provided such scales shall be used in weighing all grain or hay received over the line of such railway and it shall be the duty of the railroad company to weigh cars loaded with grain, hay or other commodities included in the provisions of this act, while loaded and to reweigh the car

when the load has been removed therefrom. Failure or neglect to carry out the provisions of this act by any railroad company shall subject it to a fine of not less than twenty-five ($25.00) nor more than one hundred dollars ($100.00) for each offense: *Provided*, That if any terminal warehouse in inspection cities are provided with proper scales and weighing facilities, the chief inspector or his deputy may weigh the grain upon the scales so provided. The commission at least once each year shall cause to be examined, tested and corrected all scales used in weighing grain or hay in any of the cities designated as inspection points in this act or such places as may be hereinafter designated, and after such scale is tested, if found to be correct and in good condition, to seal the weights with a seal provided for that purpose and issue to the owner or proprietor a certificate authorizing the use of such scales for weighing grain or hay for the ensuing year, unless sooner revoked by the commission. If such scales be found to be inaccurate or unfit for use, the commission shall notify the party operating or using them, and the party thus notified shall, at his own expense, thoroughly repair the same before attempting to use them, and until thus repaired to the satisfaction of the commission, the certificate of such party shall be suspended or revoked, in the discretion of the commission. The party receiving such certificate shall pay to the commission a reasonable fee for such inspection and certificate to be fixed by the commission, which sum shall be paid into the State treasury. It shall be the duty of the said commission to see the provisions of this section are strictly enforced.

Sec. 2670a (1921). Director of agriculture; powers.—When the director of agriculture shall be appointed, qualify, assume and exercise the duties of his office, under the provisions of chapter 7 of the laws of 1921, he shall through and by means of the division of agriculture, exercise all the powers and perform all the duties by this act vested in, and required to be performed by, the public service commission of Washington.

Sec. 2672 (1919). Shipper's weight and grade, where conclusive.—When grain, hay or peas are shipped to points where inspection is provided and the bill of lading does not contain the notation "Not for terminal weight and grade" and the grain or hay is unloaded by or on account of the consignee or his assignee without being inspected or weighed by a duly authorized inspector under the provisions of this act, the shipper's weight and grade shall be conclusive and final and shall be the weight and grade upon which settlement shall be made with the seller, and the consignee or his assignee, by whom such grain, hay or peas are so unlawfully unloaded shall be liable to the seller thereof for liquidated damages in an amount equal to ten per cent of the scale [sale] price of such hay, grain or peas computed on the basis of the shipper's weight and grade.

Sec. 2673. Penalty for violations of act; offenses by officers and employees; offenses by other persons.—Any railroad company or common carrier or other corporation, and any warehouseman, which shall violate or fail to comply with any provision of this act, or which fails, omits or neglects to obey, observe or comply with any order, rule or any direction, demand or requirement of the commission

made under the provisions of this act, shall be subject to a penalty of not to exceed the sum of one thousand dollars ($1,000.00) for each and every offense, and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance thereof shall be, and be deemed to be, a separate and distinct offense.

Every officer, agent or employe of any railroad company or common carrier, or other corporation, or any warehouseman, who shall violate or fail to comply with, or who procures, aids or abets any violation by any such railroad company or common carrier, or other corporation or warehouseman, of any provisions of this act, or who shall fail to obey, observe or comply with any order of the commission, or any provision of any order of the commission, or who procures, aids or abets any such railroad company or common carrier, or other corporation, or any warehouseman, in its failure to obey, observe and comply with any such order or provision, shall be guilty of a gross misdemeanor.

Every person, either individually or acting as an official or agent of any corporation other than a railroad company, common carrier or warehouseman, who shall violate any provision of this act, or fail to observe or comply with any order made by the commission under this act, so long as the same shall be or remain in force, or shall procure, aid or abet any such corporation in its violation of this act, or in its failure to obey, observe or comply with any such order, shall be guilty of a gross misdemeanor.

Sec. 2678 (1915). Grain to be weighed by State inspector.—It shall be unlawful for any grain warehouseman to receive in any public terminal grain warehouse any grain that has not been inspected and weighed in by a duly authorized grain inspector of the State of Washington, or to deliver out of any class A grain warehouse any grain that has not been weighed out by a duly authorized State grain inspector.

Sec. 2685. Class B warehouse receipts; inspection and weighing of grain; deliveries.—It shall be unlawful for any warehouseman conducting a class B grain warehouse to receive any grain into his warehouse without having the same inspected and weighed in by a State grain inspector, and it shall be the duty of every such warehouseman, to, upon request, issue or cause to be issued a receipt for each consignment of grain received, showing the weight, kind and grade of such grain, the name of the owner thereof and the date when the same was received, but such receipts shall not be entitled to registration and grain shall be delivered from such warehouse without the supervision of the registrar of warehouse receipts.

Sec. 2686. Fees for inspection and weighing.—The fees for weighing out grain from a class A grain warehouse and for inspecting out grain in case the owner desires inspection out, shall be fixed by the public service commission of Washington, and the State grain inspectors, may, when requested so to do by persons desiring grain inspected out, issue certificates of inspection in accordance with the names of the grains used in the markets to which the grain is to be shipped.

Pierce's Code, 1921, Vol. 1, p. 506.

Sec. 1855–17 (1919). Measuring bottles for Babcock test; penalty for noncompliance; duty of commissioner of agriculture.—All bottles and pipettes used in measuring milk or milk products for making determination of the per cent of fat in said milk or milk products shall have clearly blown or otherwise permanently marked in the side of the bottle or pipette the word "sealed," and in the side of the pipette or the side or bottom of the bottle the name, initials, or trade-mark of the manufacturer and his designating number, which designating number shall be different for each manufacturer and may be used in identifying bottles. The designating number shall be furnished by the commissioner of agriculture upon application by the manufacturer and upon the filing by the manufacturer of a bond in the sum of one thousand dollars ($1,000.00) * * *.

Any manufacturer who sells Babcock milk, cream or butter test bottles or milk pipettes, to be used in this State, that do not comply with the provisions of this section shall suffer the penalty of five hundred dollars ($500.00) to be recovered by the attorney general in an action against the offender's bondsmen, to be brought in the name of the people of the State. Any dealer who uses, for the purpose of determining the per cent of milk fat in milk or milk products, any bottles or pipettes purchased after this law takes effect that do not comply with the provisions of this section relating thereto, shall be deemed guilty of a misdemeanor.

The commissioner of agriculture shall prescribe specifications with which the glassware mentioned in this section shall comply. The unit of graduation for all Babcock glassware shall be the true cubic centimeter or the weight of one gram of distilled water as four degrees centigrade.

Inspectors of the department of agriculture are not required to seal Babcock milk, cream or butter test bottles or milk pipettes marked as in this section provided, but they shall from time to time make tests of individual bottles used by the various firms in the territory over which they have jurisdiction in order to ascertain whether the above provisions are being complied with and they shall report immediately to the commissioner of agriculture violations found.

Sec. 1855–18. Operation of testers.—In all tests made of milk or cream received or purchased upon the basis of the amount of butterfat contained therein, and in all tests of any sample of milk or cream so received or purchased, the Babcock tester shall be operated at the proper speed or speeds. The proper speeds for such operations are hereby declared to be as follows:

For tester with diameter of fourteen inches, the speed shall be between eight hundred seventy-five and nine hundred twenty-five revolutions per minute.

For tester with diameter of sixteen inches, the speed shall be between eighteen hundred twenty-five and eight hundred seventy-five revolutions per minute.

For tester with diameter of eighteen inches, the speed shall be between seven hundred seventy-five and eight hundred twenty-five revolutions per minute.

For tester with diameter of twenty inches, the speed shall be between seven hundred and twenty-five and seven hundred and seventy-five revolutions per minute.

For tester with diameter of twenty-four inches, the speed shall be between five hundred seventy-five and six hundred twenty-five revolutions per minute.

Sec. 1855–19 (a1921). Temperature for testing purposes.—In all tests made of milk or cream to determine the amount of milk fat therein the Babcock tester must be read at the proper temperature which is hereby declared to be not less than one hundred and thirty degrees Fahrenheit and not more than one hundred and forty degrees Fahrenheit, and all payments for or sales of milk or cream made on the basis of measurement or weight shall be made according to the true weight and measurement which is hereby declared to be seventeen and six-tenths cubic centimeters for milk and nine grams or eighteen grams for cream. In all tests for cream the cream shall be weighed into the test bottle.

Sec. 1855–20 (1919). Scale sensibility.—The sensibility of all scales used for weighing cream samples into the test bottles used in making any test with the Babcock tester shall be not more than thirty milligrams, and the standard weights shall be nine grams and eighteen grams.

Sec. 1855–21. Test samples.—Each and every person whose duty it shall be to take, or who shall take or make any test or measure or take or extract any sample of milk or cream sold or purchased, or to be sold or purchased, by weight, test or measure, shall weigh, test or measure the milk or cream sold or purchased by or from each individual separately. He shall before making any test, or taking or extracting any such sample, thoroughly mix the milk and cream of the entire shipment or delivery from which a sample is to be taken, or extracted, by pouring or stirring until such milk and cream is of uniform and homogeneous constituency and richness, or shall take a sample from each can or other container of the entire shipment to be sampled and tested.

Sec. 1855–22. Deceit in weight, measure, or test.—No person, firm or corporation, selling, delivering or hauling milk or cream, and no person, firm or corporation receiving or purchasing milk or cream by weight or test, or both, or by measure or test, or both, shall with intent to deceive, defraud or mislead as to the weight, measure or test thereof, manipulate, change or alter such measure, test or weight, or make or return to any person any false, deceitful, inaccurate or untrue statement of such weight, test or measure, or use any measure or testing apparatus which does not comply with the standards defined therefor in this act or which has been condemned as inaccurate by the department of agriculture.

Sec. 1855–23. Unfair samples.—No person shall take, extract or return to any creamery, milk plant, cheese factory or factory of milk products, any unfair, fraudulent or manipulated sample of any cream or milk purchased, received, hauled, sold or delivered.

Sec. 1855–25, as amended by Laws, 1923, ch. 27, p. 61, sec. 6. Official testers.—All tests of milk or cream sold, purchased or delivered on the basis of the amount of milkfat or butterfat contained therein shall be performed by a Babcock licensed tester. Such tester shall personally operate and conduct each test and shall be personally

responsible to any person injured by any careless, negligent or unskillful operation thereof, and for any fraudulent, intentionally inaccurate or manipulated report or return of any such test. * * *

Sec. 1855–37. Revisory tests.—The department of agriculture shall conduct tests at any creamery, milk plant, cheese factory, milk condensing plant or factory of milk products where there is reason to believe that milk or cream purchased or sold upon any basis of test, weight or measure is not being tested, weighed or measured accurately.

Sec. 1855–38. Inspection of testing apparatus.—All apparatus used for the purpose of testing milk or cream sold, purchased or delivered upon the basis of the amount of milk fat contained therein shall be inspected and tested from time to time by the department of agriculture and any such apparatus, or any portion thereof, found defective or faulty shall be condemned and be replaced through the department at cost to the user.

Pierce's Code, 1921, Vol. 1, p. 526.

Sec. 1879 (1905). Babcock test.—It shall be unlawful for the owner, manufacturer, agent or any employee of a butter or cheese factory or condensory to under or over read the Babcock test, or to manipulate for the purpose of deception any other contrivance used for determining the quality or value of milk or cream.

Sec. 1881 (1890). Capacity officially stamped on milk cans.—All milk cans or other vessels used for the shipping, sale or dispensing of milk shall have their liquid capacity United States standard, measured and plainly sealed or stamped thereon by any county auditor, as ex officio county sealer, or any of his deputies, in the manner already provided for the sealing of weights and measures.

Sec. 1882. Penalty for use of unmarked cans.—Any individual or corporation owning and using milk cans or other vessels or shipping, selling or dispensing of milk by measurement for a consideration in a can or vessel that has not been officially sealed and its liquid capacity plainly stamped thereon, shall be subject to a fine of five dollars for every offense, and the forfeiture of all unsealed milk cans or vessels found in his or its possession.

Sec. 1883. Fees for sealing.—Any county sealer shall charge a fee of ten cents for each milk can or vessel so stamped or sealed.

Pierce's Code, 1921, Vol. 1, p. 1208.

Sec. 3920 (1917). Weighing coal before screening.—It shall be unlawful for any mine owner, lessee or operator of coal mines in the State of Washington, employing miners at ton rates, to pass the output of coal mined by said miners over any screen or other device which will take any part from the value thereof before the same shall have been duly weighed and credited to the employee sending the same to the surface, and accounted for at the legal rate of weights as fixed by the laws of the State of Washington.

Sec. 4031. Weighing coal and posting miner's record; check-weighman; penalty for false weighing or recording.—(*a*) The operator of every coal mine where the miners are paid by the weight of their output, shall provide at such mine suitable and accurate scales for the weighing of such coal, and a correct record shall be kept of all

coal so weighed, and each day's record shall be posted where it is open at all hours to the inspection of miners. Sufficient weights shall be furnished by the operator for the purpose of testing the accuracy of said scales: *Provided, however*, That where a check-weighman is employed the operator shall not be required to post each day's record.

(*b*) The miners employed by or engaged in working at any coal mine in this State shall have the privilege, if they desire, of employing at their expense a check-weighman, who shall have like rights, powers and privileges in the weighing of coal as the regular weighman, and be subject to the same oath and penalties as the regular weighman. Said oath or affirmation shall be conspicuously posted in the weigh office. * * *

(*d*) Any weigher of coal, or any person so employed, who shall knowingly violate any of the provisions of this and the preceding section, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars ($25.00), nor more than one hundred dollars ($100.00) for each offense, or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment, proceedings to be instituted in any court having jurisdiction therein.

WEST VIRGINIA

Acts, 1915, ch. 16, p. 167.

Sec. 1. State standards of weights and measures, where kept.—The weights and measures received from the United States under a resolution of Congress approved June fourteen, one thousand eight hundred and thirty-six, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or in renewal thereof, and such as shall be supplied by the State in conformity therewith and certified by the National Bureau of Standards, shall be the State standards of weights and measures. Said State standards may be kept at the State university in its physical laboratory, or elsewhere at the discretion of the State commissioner of labor, who shall be ex officio commissioner of weights and measures.

Sec. 2. Office and working standards.—In addition to the State standards of weights and measures provided for in this act, there shall be supplied by the State at least one complete set of copies of these standards, to be known as office standards; and such other weights, measures and apparatus as may be found necessary to carry out the provisions of this act, to be known as working standards. Such weights, measures and apparatus shall be verified by the State commissioner, or his deputy or inspectors, at his discretion, upon the initial receipt of such weights, measures and apparatus and at least once in each year thereafter, the office standards by direct comparison with the State standards, the working standards by comparison with the office standards. When found accurate upon these tests the office and working standards shall be sealed by stamping on them the letters "W. V." and the last two figures of the year with seals which the State commissioner shall have and keep for that purpose. The office standards shall be used in making all comparisons of weights, measures and weighing and measuring devices submitted for test in the office of the commissioner, and the State standards shall be used only in verifying the office standards and for scientific purposes.

Sec. 3, as amended by Acts, 1919, ch. 53, p. 224. Commissioner of weights and measures; appointment and salaries of deputies and inspectors.—The State commisioner of labor shall be ex officio commissioner of weights and measures, and he shall be authorized to appoint and fix the salaries of such deputies and inspectors, not to exceed two in number, as may be required to carry out the purpose of this act, within the limits of such appropriations as may be made by the legislature for the maintenance of the work of the bureau of labor: *Provided*, The salaries of each of said deputies or inspectors shall not exceed eighteen hundred dollars per annum.

Sec. 4. Same; bond.—The State commissioner of labor shall forthwith, on his appointment, give bond in the penal sum of five

thousand dollars, with sureties to be approved by the attorney general, for the faithful performance of the duties of his office as State commissioner of weights and measures, and for the safe keeping of the standards entrusted to his care and for the surrender thereof immediately to his successor in office or to the person appointed by the governor to receive them.

Sec. 5. Same; duties; assistant commissioner, duties.—The commissioner of weights and measures shall take charge of the standards adopted by this act as the standards of the State, and cause them to be kept in a safe and suitable place, from which they shall not be removed except for repair or for certification, and he shall take all other necessary precautions for their safe-keeping. He shall maintain the State standards in good order and shall submit them at least once in ten years to the National Bureau of Standards for certification. He shall keep a complete record of the standards, balances, and other apparatus belonging to the State and take a receipt for same from his successor in office. He shall annually, on the first day of January, make to the governor a report of all work done by his office. The director of the physical laboratory of the West Virginia University shall, by virtue of his appointment to that position by the State board of regents, become the assistant commissioner of weights and measures. It shall be his duty, upon the request of the commissioner, to make or cause to be made at said physical laboratory all such tests, calibrations and determinations as may be necessary for the carrying out of this act.

Sec. 6. Same; subpœnaing, etc., witnesses; punishment for contempt.—In the exercise of his powers and the performance of his duties under this act, the commissioner of weights and measures shall have the power to administer oaths and issue subpœnas to compel the attendance of witnesses and the production of books, papers, accounts and documents. In case of disobedience on the part of any person or persons to comply with any proper order of the commissioner, or any subpœna issued in behalf of said commissioner, or on the refusal of any witness to testify with reference to any matters upon which such witness may be lawfully interrogated, it shall be the duty of the circuit court of any circuit, upon application of the commissioner, to compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpœna issued from such court or a refusal to testify therein.

Sec. 7, as amended by Acts, 1919, ch. 53, p. 224. Testing county and city sets of standards; inspecting work of local sealers, etc.—The commissioner of weights and measures, or his assistant commissioner, deputy, or inspectors, at his direction shall at least once in five years try and prove by the office standards all standard weights, measures and other apparatus which may belong to any county or city, required to appoint a sealer and to purchase and keep standards of weights and measures by the provisions of this act, and shall seal such when found to be accurate by stamping on them the letters "W. Va." and the last two figures of the year with seals which he shall have and keep for that purpose.

The State commissioner or his assistant, deputy or inspectors, at his direction, shall inspect all standard weights, measures and other apparatus used by such counties and cities at least once in two years, and shall keep a record of the same. He, or his deputy, or inspectors,

at his direction, shall at least once in two years visit these cities and counties for the purpose and in order to inspect the work of the local sealers, and in the performance of such duties they may inspect the weights, measures, balances, or any other weighing or measuring appliances of any person, and shall have the same powers as the local sealer of weights and measures. The rules and regulations for the guidance of county and city sealers of weights and measures issued by the Bureau of Weights and Measures [Bureau of Standards] of Washington, D. C., known as Circular No. 2 [Handbook No. 1], or any subsequent rules and regulations issued by such Bureau of Weights and Measures [Bureau of Standards], shall be the rules and regulations governing the inspectors and county and city sealers in the performance of their duties.

Sec. 8. Commissioner of weights and measures; powers and duties.—The State commissioner of weights and measures, shall have and keep a general supervision of the weights and measures, and weighing or measuring devices offered for sale, sold, or in use in the State. He or his assistant commissioner, deputy, or inspectors, at his direction, shall, upon the written request of any citizen, firm or corporation, or educational institution in the State, test or calibrate weights, measures and weighing or measuring devices used as standards in the State. He, or his assistant commissioner, deputy, or inspectors, at his discretion, shall at least once annually test all scales, weights and measures used in checking the receipts or disbursements of supplies in every institution for the maintenance of which moneys are appropriated by the legislature, and he shall report in writing his findings to the State board of control and to the executive officer of the institution concerned, and, at the request of such board or executive officer, the commissioner of weights and measures shall appoint, in writing, one or more employees then in the actual service of the institution who shall act as special deputies for the purpose of checking the receipts and disbursements of supplies.

Sec. 9. Same.—The State commissioner shall have the power, and it shall be his duty, either personally or by deputy or through the agency of a county or city sealer of weights and measures, to inspect, test, try and ascertain if they are correct, all weights, measures, and weighing or measuring devices kept, offered or exposed for sale, sold, or used or employed by any proprietor, agent, lessee, or employe in proving the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption purchased or offered or submitted by such person or persons for sale, hire, or award; and he shall have the power to and shall from time to time weigh or measure and inspect packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered or exposed for sale, or sold or in the process of delivery, in order to determine whether the same contain the amounts represented, and whether they be offered for sale or sold in a manner in accordance with law. He shall at least twice a year and as much oftener as he may deem necessary see that all weights, measures and weighing or measuring devices are correct. He and his authorized deputies may for the purpose above mentioned, and in the general performance of their official duties, enter and go into or upon, and without formal warrant, any stand, place, building, or premises, or stop any

dealer whatsoever, and require him, if necessary, to proceed to some place which the State commissioner may specify, for the purpose of making the proper tests. Whenever the State commissioner finds a violation of the statutes relating to weights and measures, he shall cause the violator to be prosecuted.

Sec. 10. Sealing and marking tested instruments.—Whenever the State commissioner compares weights, measures, or weighing or measuring instruments and finds that they correspond, or causes them to correspond, with the standards in his possession, he shall seal or mark such weights, measures, or weighing or measuring instruments with appropriate devices.

Sec. 11. Destruction, repair, etc., of inaccurate instruments.—The State commissioner shall condemn and seize and may destroy incorrect weights, measures or weighing or measuring devices which, in his best judgment, are not susceptible of satisfactory repair, but such as are incorrect and yet may be repaired, he shall mark or tag as "condemned for repairs." The owner or users of any weights, measures, or weighing or measuring devices of which such disposition is made, shall have the same repaired or corrected within ten days, and said owner or users may neither use nor dispose of the same in any way, but shall hold the same at the disposal of the commissioner. Any weights, measures, or weighing or measuring devices which have not been repaired as required above, shall be confiscated by the commissioner.

Sec. 12. Deputies and inspectors; powers and duties.—The powers and duties given to and imposed upon the State commissioner of weights and measures by sections six, nine, ten and eleven, are hereby given to and imposed upon his deputies and inspectors also, when acting under his instructions and at his directions.

Sec. 13, as amended by Acts, 1919, ch. 53, p. 224. Sheriff as ex officio county sealer; county sealer and deputies.—Except in counties where the county commissioners shall appoint a sealer of weights and measures as hereinafter provided, the sheriff of the county shall be ex officio county sealer of weights and measures in each county, and no fee shall be charged by him or by the county for the inspection, testing or sealing or the repairing or adjusting of weights, measures, or measuring devices. Whenever the county commissioners of any county shall deem it necessary, they may appoint and fix the salary of one sealer and one or more deputy sealers of weights and measures. Such sealer or deputies, when not appointed merely for some temporary purpose, shall hold office for a term of four years from the date of their appointment, unless removed for just cause, and all deputies shall have the same power and may perform the same duties as the county sealer when acting under his instructions and at his direction.

Sec. 14, as amended by Acts, 1919, ch. 53, p. 224. City sealer and deputies; county sealers' powers in certain cities; regulations.—There may be a city sealer of weights and measures in cities of not less than twenty-five thousand population, according to the latest official statement of United States census, to be appointed by the mayor from a list to be furnished by the civil service board, and under the rules of such board, where such board exists; otherwise, he shall be appointed by the mayor, by and with the advice and consent of the common council, and shall hold office for a term of two years and receive

a salary to be determined by the appointive power. The county commissioners of any county or the mayor of any such city may appoint one or more deputy sealers of weights and measures. All deputies appointed shall have the same power and perform the same duties as the county or city sealer when acting under his instructions and his direction, and no fee shall be charged by any county or city for the testing, trying, adjusting or repairing of any weights or measures, or weighing or measuring device. The commissioner shall issue from time to time regulations for the guidance of the county and city sealers and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties.

Sec. 15. Combination of municipalities.—Nothing in sections thirteen and fourteen of this act shall be construed to prevent two or more counties or a county and any city therein, from combining the whole or any part of their districts, as may be agreed upon by the county commissioners of the counties, or such county commissioners and the mayor and common council of the city employing one set of standards and one sealer, upon the written consent of the State commissioner of weights and measures. A county sealer or city sealer appointed in pursuance of an agreement for such combination shall, subject to the terms of his appointment, have the same authority, jurisdiction, and duties as if he had been appointed by each of the authorities who are parties to the agreement.

Sec. 16, as amended by Acts, 1919, ch. 53, p. 224. Bonds of sheriff and county and city sealers.—Each county or city sealer of weights and measures or deputy sealer of weights and measures, under the provisions of sections thirteen and fourteen of this act, shall forthwith upon his appointment give bond in the penal sum of one thousand dollars, with sureties to be approved by the appointing power, for the faithful performance of the duties of his office.

Sec. 17. County and city sets of standards; duty to procure.—The county commissioners of each county and the common council of each city required to appoint a sealer under the provisions of this act shall procure at the expense of the county or city, and shall keep at all times a set of weights and measures and other apparatus as complete and of such material and construction as the State commissioner of weights and measures may direct. All such weights, measures, and other apparatus having been tried and accurately proven by the State commissioner shall be sealed and certified to by him as hereinbefore provided, and shall then be deposited with and preserved by the county or city sealer as public standards for such county or city.

Whenever the county commissioner[s] of such county or the common council of such city shall neglect for six months so to do, the county clerk of said county, or the city clerk or recorder of said city, on notification and request by the commissioner of weights and measures, shall provide such standards and cause the same to be tried, sealed and deposited at the expense of the county or city.

Sec. 18. County and city sealers; powers and duties.—Where not otherwise provided by law, the county or city sealer shall have the same powers and shall perform the same duties within his county or city as are granted to and imposed upon the State commissioner

of weights and measures provided for in sections nine, ten and eleven of this act.

Sec. 19. Same; records; annual reports.—The county or city sealer shall keep a complete record of all his official acts, and shall make an annual report, duly sworn to, on the first day of November, to the State commissioner of weights and measures, on blanks furnished by the commissioner.

Sec. 20. Arrests and seizures.—The commissioner of weights and measures, his assistant, deputy and inspectors, and the county and city sealers and deputy sealers of weights and measures, are hereby made special policemen and are authorized and empowered to arrest, without formal warrant, any violator of the statutes in relation to weights and measures, and to seize for use as evidence, without formal warrant, any false or unsealed weight, measure or weighing and measuring device or package or amount of commodity found to be used, retained, or offered or exposed for sale or sold in violation of the law.

Sec. 21. Obstructing enforcement of act; punishment.—Any person who shall hinder or obstruct in any way the commissioner of weights and measures, his deputy, or inspectors, or any county or city sealer or deputy sealer of weights and measures, in the performance of his official duty shall be guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not less than two hundred dollars, or by imprisonment in the county jail for not less than three months, or by both such fine and imprisonment.

Sec. 22. Impersonating weights and measures officials; punishment.—Any person who shall impersonate in any way the commissioner of weights and measures, his deputy, or inspectors, or any county or city sealer or deputy sealer of weights and measures, by the use of his seal or counterfeit of his seal, or otherwise, shall be guilty of a misdemeanor, and upon conviction thereof, in any court of competent jurisdiction, shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Sec. 23, as amended by Acts, 1919, ch. 53, p. 224. Packages to state net quantity of contents; exceptions.—It shall be unlawful to keep for the purpose of sale, offer or expose for sale, or sell any commodity in package form unless the net quantity of the contents be plainly and conspicuously marked on the outside of the packages, in terms of weights, measures, or numerical count: *Provided, however*, That reasonable variations or tolerances and also exemptions as to small packages shall be established by rules and regulations made by the commissioner of weights and measures: *And, provided, further*, That this section shall not be construed to apply to medicinal articles and to those commodities in packages the manner of sale of which is specifically regulated by the provisions of other sections of this act.

The word "package" as used in this section shall be construed to include the package, carton, case, basket, can, box, barrel, half-barrel, hamper, keg, drum, jug, jar, crock, bag, pail, wrapping [wrapper], parcel, package, bottle, phial, or other receptacle put up by the manufacturer; or when put up prior to the order of the commodity, by the vendor; which may be labeled, branded, or stenciled or otherwise

marked, or which may be suitable for labeling, branding, or stenciling, or marking otherwise, making one complete package of the commodity. The word "package" shall be construed to include both the wholesale and the retail package: *Provided*, That a box or carton used for shipping purposes containing a number of similar packages which are individually marked, as hereinbefore provided, will not be required to bear the weight or measure of contents: *And, provided, further*, That all commodities in packages, boxes, cans, bottles or other containers in the hands of merchants, both wholesale and retail, at the time of the passage of this act, shall be and are hereby exempt from the provisions of the same.

Sec. 24, as amended by Acts, 1919, ch. 53, p. 224. Oleomargarine, etc., to be sold only by net weight; exceptions.—It shall be unlawful for any person to sell or offer for sale any butter or renovated or process butter or oleomargarine in any other manner than by weight. Whenever such butter, renovated or process butter or oleomargarine, is sold, offered or exposed for sale in the form of prints, bricks or rolls, each print, brick or roll shall bear a definite, plain and conspicuous statement of its true net weight, on the principal label, where there be such a label, otherwise, on the outside wrapper of said print, brick or roll. When such statement is made part of the printed matter on the label, wrapper or carton of any such print, brick or roll, the statement as to net weight shall be in gothic type not less than one-quarter of an inch square.

The prints, bricks, or rolls referred to in this section shall be construed to include those prints, bricks, or rolls put up by the manufacturer or producer; or when put up prior to the order of the commodity, by the vendor: *Provided, however*, That this section shall not apply to farmers who manufacture and sell their own butter.

Sec. 25, as amended by Acts, 1919, ch. 53, p. 224. Milk and cream bottles; size and markings; punishment; tests; exceptions.—Bottles used for the sale of milk or cream shall be of the capacity of one-half gallon, three pints, one quart, one pint, one-half pint, and one gill, when filled to within one-fourth of an inch of the cap seat or stopple in the case of those bottles having an inside diameter immediately below this cap seat or stopple of [not] over two inches. The following variations on individual bottles or jars may be allowed, but the average contents of not less than twenty-five bottles selected at random from at least four times the number tested must not be in error more than one-quarter of these tolerances; six drams above and six drams below on the half gallon, five drams above and five drams below on the three pints; four drams above and four drams below on the quart; three drams above and three drams below on the pint; two drams above and two drams below on the gill. Bottles or jars used for the sale of milk or cream shall have clearly blown or otherwise permanently marked in the side of the bottle, the capacity of the bottle and the word "sealed"; and the side or bottom of the bottle the name, initial, or trade-mark of the manufacturer and a designating number, which designating number shall be different for each manufacturer and may be used in identifying the bottles. The designating number shall be furnished by the State commissioner of weights and measures upon application by the manufac-

turer, and upon the filing by the manufacturer of a bond in the sum of one thousand dollars with sureties to be approved by the attorney general conditioned upon their conformance with the requirements of this section. A record of the bonds furnished, and the designating numbers and to whom furnished shall be kept in the office of the commissioner of weights and measures.

Any manufacturer who sells or offers to sell milk or cream bottles to be used in this State that do not comply as to size and markings with the provisions of this section shall suffer a penalty of five hundred dollars, to be recovered by the attorney general in an action against the defender's [defendant's] bondsmen to be brought in the name of the State of West Virginia. Any dealer who uses, for the purpose of selling milk or cream, jars or bottles, purchased after this law takes effect that do not comply with the requirements of this section as to markings and capacity, shall be deemed guilty of using a false and insufficient measure.

Sealers of weights and measures are not required to seal bottles or jars for milk or cream marked as in this section provided, but they shall have the power to and shall from time to time make tests on individual bottles used by various firms in the territory over which they have jurisdiction in order to ascertain if the above provisions are being compiled with, and they shall immediately report violations found to the State commissioner of weights and measures.

Sec. 26. Standard barrels for fruits, vegetables, and produce; bushel to contain certain weights.—The standard barrel [1] for fruits, vegetables and produce shall be of the following dimensions when measured without distention of its parts: Diameter of head inside of staves, seventeen and one-eighth inches; distance between heads, inside measurements, twenty-six inches; the outside bilge or circumference not less than sixty-four inches, and the thickness of staves not more than four-tenths of an inch: *Provided*, That any barrel of a different form having the same distance between heads and a capacity of seven thousand and fifty-six cubic inches shall be a standard barrel.

Sec. 27, as amended by Laws, 1923, ch. 45, p. 137. Standard weights.—A bushel, half bushel, peck, half peck, quarter peck, quart and pint of the respective articles hereinafter mentioned shall be the amount of weight, avoirdupois, as shown by the following table:

Commodity	Bushel	½ bu.	Peck		½ peck		¼ peck		Quart		Pint	
	Lbs.	*Lbs.*	*Lbs.*	*Ozs.*	*Lbs.*	*Ozs.*	*Lbs.*	*Ozs.*	*Lbs.*	*Ozs.*	*Lbs.*	*Ozs.*
Apples (green)	48	24	12	------	6	------	3	------	1	8	------	12
Apples (dried)	24	12	6	------	3	------	1	8	------	12	------	6
Alfalfa seed	60	30	15	------	7	8	3	12	1	14	------	15
Apple seed	40	20	10	------	5	------	2	8	1	4	------	10
Beans (dried, shell)	60	30	15	------	7	8	3	12	1	14	------	15
Beans, castor	46	23	11	8	5	12	2	14	1	7	------	11½
Beans (unshelled)	38	19	9	8	4	12	2	6	1	3	------	9½
Beans (stringed)	24	12	6	------	3	------	1	8	------	12	------	6
Beans (limas)	56	28	14	------	7	------	3	8	1	12	------	14
Beans, soy	58	29	14	8	7	4	3	10	1	13	------	14½
Beans, scarlet pole	50	25	12	8	6	4	3	2	1	9	------	12½
Beets	56	28	14	------	7	------	3	8	1	12	------	14
Blackberries	48	24	12	------	6	------	3	------	1	8	------	12
Blue grass seed	14	7	3	8	1	12	------	14	------	7	------	3½
Blue grass seed, English	22	11	5	8	2	12	1	6	------	11	------	5½

[1] See also footnote, p. 120, relative to Federal standard barrel.

Commodity	Bushel	½ bu.	Peck		½ peck		¼ peck		Quart		Pint	
	Lbs.	*Lbs.*	*Lbs.*	*Ozs.*	*Lbs.*	*Ozs.*	*Lbs.*	*Ozs.*	*Lbs.*	*Ozs.*	*Lbs.*	*Ozs.*
Broom corn seed	57	28½	14	4	7	2	3	9	1	12½	------	14¼
Buckwheat	48	24	12	------	6	------	3	------	1	8	------	12
Barley	48	24	12	------	6	------	3	------	1	8	------	12
Bran	20	10	5	------	2	8	1	4	------	10	------	5
Cabbage	50	25	12	8	6	4	3	2	1	9	------	12½
										14		
Canary seed	60	30	15	------	7	8	3	12	1	------	------	15
Carrots	50	25	12	8	6	4	3	2	1	9	------	12½
Cement	100	50	25	------	12	8	6	4	3	2	1	10
Charcoal	20	10	5	------	2	8	1	4	------	10	------	5
Cherries (with stems)	56	28	14	------	7	------	3	8	1	12	------	14
Cherries (without stems)	64	32	16	------	8	------	4	------	2	------	1	------
Chestnuts	50	25	12	8	6	4	3	2	1	9	------	12½
Clover seed	60	30	15	------	7	8	3	12	1	14	------	15
Coal	80	40	20	------	10	------	5	------	2	8	1	4
Coke	40	20	10	------	5	------	2	8	1	4	------	10
Corn (cracked)	50	25	12	8	6	4	3	2	1	9	------	12½
Corn (ear dry)	68	34	17	------	8	8	4	4	2	2	1	1
Corn (ear green)	72	36	18	------	9	------	4	8	2	4	1	2
Corn (shelled)	56	28	14	------	7	------	3	8	1	12	------	14
Corn (sweet)	50	25	12	8	6	4	3	2	1	9	------	12½
Corn meal	48	24	12	------	6	------	3	------	1	8	------	12
Corn meal (bolted)	46	23	11	8	5	12	2	14	1	7	------	11½
Cotton seed	32	16	8	------	4	------	2	------	1	------	------	8
Cotton seed (S. I.)	44	22	11	------	5	8	2	10	1	6	------	11
Cranberries	36	18	9	------	4	8	2	4	1	2	------	9
Cucumbers (green)	50	25	12	8	6	4	3	2	1	9	------	12½
Currants	40	20	10	------	5	------	2	8	1	4	------	10
Flax seed	56	28	14	------	7	------	3	8	1	12	------	14
Gooseberries	40	20	10	------	5	------	2	8	1	4	------	10
Grapes (with stems)	48	24	12	------	6	------	3	------	1	8	------	12
Grapes	60	30	15	------	7	8	3	12	1	14	------	15
Hair (washed)	4	2	1	------	------	8	------	4	------	2	------	1
Hair (unwashed)	8	4	2	------	1	------	------	8	------	4	------	2
Hemp seed	44	22	11	------	5	8	2	12	1	6	------	11
Herds grass	45	22½	11	4	5	10	2	13	1	6½	------	11¼
Hickory nuts	50	25	12	8	6	4	3	2	1	9	------	12½
Hominy	60	30	15	------	7	8	3	12	1	14	------	15
Horse radish	50	25	12	8	6	4	3	2	1	9	------	12½
Huckleberries	52	26	13	------	6	8	3	4	1	10	------	13
Hungarian grass	50	25	12	8	6	4	3	2	1	9	------	12½
Kaffir corn	56	28	14	------	7	------	3	8	1	12	------	14
Kale	15	7½	3	12	1	14	------	15	------	7½	------	3¾
Lime (unslaked)	70	35	17	8	8	12	4	6	2	3	1	1½
Lime (slaked)	40	20	10	------	5	------	2	8	1	4	------	10
Malt	34	17	8	8	4	4	2	2	1	1	------	8½
Millet	50	25	12	8	6	4	3	2	1	9	------	12½
Millet (Japan)	35	17½	8	12	4	6	2	3	1	1½	------	8¾
Oats	32	16	8	------	4	------	2	------	1	------	------	8
Onions	55	27½	13	12	6	14	3	7	1	11½	------	13¾
Onions (bottom sets)	32	16	8	------	4	------	2	------	1	------	------	8
Onions (tops sets)	28	14	7	------	3	8	1	12	------	14	------	7
Orchard grass	14	7	3	8	1	12	------	14	------	7	------	3½
Osage Orange seed	33	16½	8	4	4	2	2	1	1	½	------	8¼
Parsnips	42	21	10	8	5	4	2	10	1	5	------	10½
Peaches	48	24	12	------	6	------	3	------	1	8	------	12
Peaches (dried)	33	16½	8	4	4	2	2	1	1	½	------	8¼
Peanuts	23	11½	5	12	2	14	1	7	------	11½	------	5¾
Pears	50	25	12	8	6	4	3	2	1	9	------	12½
Peas (dry)	60	30	15	------	7	8	3	12	1	14	------	15
Peas (green, shelled)	50	25	12	8	6	4	3	2	1	9	------	12½
Peas (green, unshelled)	30	15	7	8	3	12	1	14	------	15	------	7½
Peas (wrinkled)	56	28	14	------	7	------	3	8	1	12	------	14
Plums	60	30	15	------	7	8	3	12	1	14	------	15
Potatoes (Irish)	56	28	14	------	7	------	3	8	1	12	------	14
Potatoes (sweet)	50	25	12	8	6	4	3	2	1	9	------	12½
Quinces	48	24	12	------	6	------	3	------	1	8	------	12
Rape seed	50	25	12	8	6	4	3	2	1	9	------	12½
Raspberries	48	24	12	------	6	------	3	------	1	8	------	12
Red top grass seed	14	7	3	8	1	12	------	14	------	7	------	3½
Rice corn (shelled)	56	28	14	------	7	------	3	8	1	12	------	14

Commodity	Bushel	½ bu.	Peck		½ peck		¼ peck		Quart		Pint	
	Lbs.	*Lbs.*	*Lbs.*	*Ozs.*	*Lbs.*	*Ozs.*	*Lbs.*	*Ozs.*	*Lbs.*	*Ozs.*	*Lbs.*	*Ozs.*
Rice corn (unshelled)	45	22½	11	4	5	10	2	13	1	6½	------	11¼
Rutabagas	50	25	12	8	6	4	3	2	1	9	------	12½
Rye	56	28	14	------	7	------	3	8	1	12	------	14
Rye meal	50	25	12	8	6	4	3	2	1	9	------	12½
Salt (coarse)	70	35	17	8	8	12	4	6	2	3	1	1½
Salt (fine)	50	25	12	8	6	4	3	2	1	9	------	12½
Sand	130	65	32	8	16	4	8	2	4	1	2	½
Shorts	20	10	5	------	2	8	1	4	------	10	------	5
Sorghum seed	57	28½	14	4	7	2	3	9	1	12½	------	14¼
Spelt or speltz	40	20	10	------	5	------	2	8	1	4	------	10
Spinach	15	7½	3	12	1	14	------	15	------	7½	------	3¾
Strawberries	48	24	12	------	6	------	3	------	1	8	------	12
Timothy seed	45	22½	11	4	5	10	2	13	1	6½	------	11¼
Tomatoes	56	28	14	------	7	------	3	8	1	12	------	14
Turnips	55	27½	13	12	6	14	3	7	1	11½	------	13¾
Walnuts	50	25	12	8	6	4	3	2	1	9	------	12½
Wheat	60	30	15	------	7	8	3	12	1	14	------	15

One barrel of flour shall contain 196 lbs., one-half barrel 98 lbs., one-quarter barrel 49 lbs., and one-eighth barrel 24½ lbs., one-sixteenth barrel, 12¼ lbs., net weight.

One barrel of lime shall contain 200 pounds.

A ton shall contain 2,000 pounds.

The standard barrel [2] for fruit, vegetables, and produce shall be of the following dimensions: Inside staves at ends, 17⅛ inches; distance between heads, inside, 26 inches; circumference over bilge, 64 inches; and capacity, 7,056 cubic inches.

Sec. 28. Net weight made basis of weight.—Whenever any commodity is sold on a basis of weight, it shall be unlawful to employ any other weight in such sale than the net weight of the commodity; and all contracts concerning goods sold on a basis of weight shall be understood and construed accordingly. Whenever the weight of a commodity is mentioned in this act, it shall be understood and construed to mean the net weight of the commodity.

Sec. 29. Violations of act; punishment.—Any person who, by himself or by his servant or agent, or as the servant or agent of another person shall knowingly offer or expose for sale, sell, use in the buying or selling of any commodity or thing for hire or award, or retain in his possession a false weight or measure or weighing or measuring device which has not been sealed by a sealer or deputy sealer of weights and measures within one year, or shall dispose of any measure, or weighing or measuring device contrary to law, or remove any tag placed thereon by a sealer or deputy sealer of weights and measures; or who shall sell or offer or expose for sale less than the quantity he represents, or shall take or attempt to take more than the quantity he represents, when as the buyer, he furnishes the weights, measures or weighing device by means of which the amount of commodity is determined; or who shall keep for the purpose of sale, offer or expose for sale, or sell any commodity in a manner contrary to law; or who shall violate any provisions of this act for which a specific penalty has not been provided; or who shall sell or offer for sale, or use or have in his possession for the purpose of selling or using, any device or instrument to be used to or calculated to falsify any weights or measures, shall be guilty of a misdemeanor,

[2] See sec. 26 and footnote to same, p. 888.

and shall be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment, upon a first conviction in any court of competent jurisdiction, and upon a second or subsequent conviction in any court of competent jurisdiction he shall be punished by a fine of not less than ten, nor more than five hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment.

Sec. 30, as amended by Acts, 1919, ch. 53, p. 224. Definitions.—Justices of the peace shall have jurisdiction to hear and determine any action which may be brought for a violation of the provisions of this act, where the property in question is two hundred dollars and less. In cases of over two hundred dollars shall hold the accused for indictment to the grand jury.

Sec. 31, as enacted by Acts, 1919, ch. 53, p. 224. Terms defined.—The word "person" as used in this act, shall be construed to impart the plural and singular, as the case demands, and shall include corporations, companies, societies and associations.

The words "weights, measures or weighing or measuring devices" as used in this act, shall be construed to include all weights, scales, beams, measures of every kind, instruments and mechanical devices for weighing or measuring, and any appliances and accessories connected with any or all such instruments.

The words "sell" or "sale" as used in this act shall be construed to include barter and exchange.

Sec. 32, as enacted by Acts, 1919, ch. 53, p. 224. Doyle and Scribner's combined rules for logs, lumber and timber.—"Doyle and Scribner's combined rules" for the measurement of logs, lumber and timber of all kinds, is hereby established as the lawful rule in this State for the measurement of all kinds of lumber, logs and timber, unless some other rule be agreed to.

Hogg's Code, 1913, Vol. 1, ch. 47, p. 960.

Sec. 2382 (a1897). Application of chapter.—The cities, towns and villages in this State, heretofore established under the laws of the State of Virginia, or of this State, shall remain subject to the law now in force and applicable thereto, respectively, and the provisions hereinafter contained in this chapter, shall be deemed applicable only to cities, towns and villages hereafter established, except that the municipal authorities of cities, towns or villages heretofore established other than the city of Wheeling, may exercise the powers conferred by this chapter, although the same may not be conferred by their charter, and so far as this chapter confers power on the municipal authorities of a city, town or village other than said city of Wheeling, not conferred by the charter of any such city, town or village, the same shall be deemed as an amendment to said charter. Any city, town or village in this State, incorporated by a special act of the legislature of Virginia, or of this State, and exercising the power conferred by this chapter, may by ordinance of the council of said city, town or village, adopt this chapter, and thereafter the same officers shall be elected or appointed as are provided for by this chapter.

Sec. 2409 (a1905). Powers and duties of council.—The council of such city, town or village [see section 2382], shall have plenary

power and authority therein * * *; to regulate and provide for the weighing of hay, coal and other articles sold or for sale in the city, town or village; * * *

Acts, 1923, ch. 52, p. 156.

Sec. 3. Every bag, barrel or other package of fertilizer sold, offered or exposed for sale in this State shall have branded on or conspicuously attached to it a statement that the manufacturer thereof has complied with this act, the brand name of the fertilizer, the net weight of the package, the name and address of the manufacturer, * * *.

Laws, 1919, ch. 34, p. 181.

Sec. 2. Every lot or parcel of commercial feeding stuffs sold, offered or exposed for sale or distributed within the State shall have affixed thereto a tag or label, in a conspicuous place on the outside thereof, containing a legible and plainly printed statement in the English language, clearly and truly certifying:

(*a*) The net weight of the contents of the package, lot or parcel; * * *

(*c*) The name and principal address of the manufacturer or person responsible for placing the commodity on the market; * * *

Hogg's Code, 1913, ch. 15 H, p. 183.

Sec. 506 (1891). Scales and measures; duty to provide; duties of sealer; testing on request; duties of mine inspector.—It shall be the duty of every corporation, company or person, engaged in the business of mining and selling coal by weight or measure, to procure and constantly keep on hand at the proper place, the necessary scales and measures and whatever else may be necessary, to correctly weigh and measure the coal as mined by such corporation, company or person. And it shall be the duty of the sealer of weights and measures, for every county in which coal is so mined and sold, to visit each coal mine operated therein, and where such scales and measures are kept, at least once in each year, and test the correctness of such scales and measures. The owner or operator of such coal mine, or any two or more of the miners working therein, may in writing require his attendance at the place where such scales and measures are kept, at other times, in order to test the correctness thereof, and it shall be his duty to comply with such requests as soon as he can, after receiving such request. If his attendance is required by the owner or operator of such mine, or if by the miners working therein, and the scales or measures tested be found not to be correct, his fees shall be paid by the owner or operators, and if his attendance be required by the miners and the scales or measures tested be found to be correct his fees shall be paid by them. If in any such county there be no sealer of weights and measures, the duties herein required to be done and performed by such sealer, shall be done and performed by the inspector of mines for the district of which such county forms a part.

Sec. 507. Coal cars; consecutive numbering; weighing; marking weight and capacity.—Each car used by any such corporation, company or person in removing coal from any coal mine, shall be numbered by consecutive numbers plainly marked, and placed and kept thereon

as long as such car is so used. And if the coal from such mine is mined, and the miners are paid according to the weight thereof for mining the same, every such car so used shall be weighed upon such tested scales, and the weight thereof shall be plainly marked and placed thereon as long as such car shall be used as aforesaid. If the coal at any such mine is mined, and the miners thereof are paid for mining the same by measure, the number of bushels of coal such car will hold when loaded to its capacity, shall also be plainly marked, and placed and kept thereon as long as such car is so used as aforesaid. And no car shall be used for the purpose aforesaid, after ninety days from the time this act takes effect, until the provisions of this section are complied with.

Sec. 508. Coal to be weighed or measured in cars before screening.—All coal so mined and paid for by weight, shall be weighed in the car in which it is removed from the mine before it is screened, and shall be paid for according to the weight so ascertained, at such price per ton as may be agreed on by such owner or operator and the miners who mined the same. And coal mined and paid for by measure, shall be paid for according to the number of bushels marked upon each car in which it is removed from the mine, and before it is screened, and the price paid for each bushel so ascertained shall be such as may be agreed on as aforesaid.

Sec. 510. Duties of mine inspectors; duty of operators of mines to keep on hand sealed weights and measures.—In any county in which the mine inspector is required to act as herein mentioned, the county court of such county shall furnish him with whatever is necessary to enable him to discharge his duties, if such court has procured the weights and measures and balances provided for by chapter fifty-nine of the Code of West Virginia; and if not, the State sealer of weights and measures shall furnish him with whatever may be necessary to enable him to discharge the duties hereby required of him, and the things so furnished him, in either case, shall be returned by him to the person from whom he received them as soon as possible after he has performed the duties for which he received them. But it shall be the duty of every corporation, company or person so engaged in the business of mining coal, to procure and constantly keep on hand a sealed weight, of at least fifty pounds, and a sealed measure of at least one bushel, to be used for the purposes of this act.

Sec. 511. Penalties.—Any corporation, company or person violating any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall for each offense, be fined not less than twenty-five dollars and not more than five hundred dollars. And the officer, agent or employees of the corporation or company whose duty it was to do or to perform the act, or to cause it to be done and performed, which is the subject of the indictment, may be indicted jointly, with said corporation or company, and upon conviction thereof, in the discretion of the court, he may be imprisoned in the county jail not less than ten nor more than sixty days.

Sec. 512. Mines to which act is applicable.—This act shall not apply to any corporation, company or person owning or operating a coal mine in which less than ten miners are employed.

Sec. 514 (1901). Weighing of certain products provided for.—Where the amount of wages paid to any of the persons employed in any manufacturing, mining, or otherwise public enterprise employing labor, depend upon the amount produced by weight or measure, the persons so employed may, at their own cost, station or appoint at each place appointed for the weighing or measuring of the products of their labor a check-weighman or measurer, who shall in all cases be appointed by a majority ballot of the workmen employed at the works where he is appointed to act as such check-weighman or measurer.

Sec. 516. Law applicable in what case.—This act shall apply to all weights, balances, steelyards, and weighing machines and measures used in any factory, mine, mill or otherwise industrial concerns, for determining the wages payable to any person employed according to the mineral or otherwise products produced by them through their labors.

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Stats., 1921, Vol. 1, ch. 76 oo, p. 1286.

Sec. 1658 (a1911). State standards.—The weights and measures and the scales and beams, received from the United States under a resolution of Congress, approved June 14th, 1836, and such new weights and measures and scales and beams in addition thereto or in renewal thereof, and such as shall be made under the direction of the new State superintendent of weights and measures in conformity therewith, and certified to by the National Bureau of Standards shall be the State standards.

Sec. 1659, as amended by Laws, 1923, ch. 45, p. 46, and ch. 51, p. 50. State superintendent; custody of standards; comparison of city standards; general supervision; testing of standards; testing for State institutions; record and report; supervision of local sealers; regulations; office and supplies; powers of State superintendent.—1. The dairy and food commissioner shall be ex-officio State superintendent of weights and measures.

2. He shall take charge of the standards adopted by section 1658 as the standards of the State; cause them to be kept in a fireproof building belonging to the State, from which they shall not be removed except for repairs or for certification; and take all other necessary precautions for their safe-keeping. He shall maintain the State standards in good order and shall submit them once in ten years to the National Bureau of Standards for certification. He shall keep a seal which shall be so formed as to impress the letters "Wis." upon the weights and measures, scales, and beam sealed by him, and he shall correct the standards of the several cities, and as often as once in five years, compare the same with those in his possession, and shall seal the same when tried and proved to be in conformity to the State standards.

3. He shall have and keep a general supervision of the weights and measures and the weighing and measuring devices of the State, and in use in the State. He or his inspectors by his directions shall, upon the written request of any citizen, firm, or corporation, or educational institution of the State, test or calibrate weights, measures, weighing or measuring devices, and instruments or apparatus used as standards in this State.

4. He, or his inspectors by his direction, shall at least once annually test all scales, weights, and measures used in checking the receipt or disbursement of supplies in every institution under the jurisdiction of the State board of control. And he shall report in writing his findings to such board of control and to the executive officer of the institution concerned; and at the request of such officer, the superintendent of weights and measures shall appoint in writing one or more employees, then in the actual service of such institution, who

shall act as special deputies for the purpose of checking the receipt and disbursement of supplies.

5. He shall keep a complete record of the standards, balances, and other apparatus belonging to the State and take receipt for same from his successor in office. He shall as soon as practicable after the thirtieth day of June in each even numbered year make to the governor a report of the work done by his office. The State superintendent, or his deputy or inspectors by his direction, shall inspect all the standards used by the cities at least once in each two years and shall keep a record of the same.

6. He, or his inspectors by his direction, shall at least once in each two years visit the various cities of the State in order to inspect the work of the local sealers; and in the performance of such duties, he or his inspectors by his direction may inspect the weights, measures, balances, or any weight or measuring appliance of any person, firm, or corporation and shall have the same powers as the local sealer of weights and measures. The superintendent of weights and measures shall issue from time to time, regulations for the guidance of all sealers, and the said regulations shall govern the prcedure to be followed by the aforesaid officers in the discharge of their duties. In said regulations he shall prescribe the amount of tolerance to be allowed, and may make reasonable regulations regarding the varieties or kinds of devices, attachments or parts entering into the construction or installation of weights and measures or weighing or measuring appliances which shall have for their object the tendency to secure correct results in the use of such appliances.

7. He shall be provided with necessary postage and shall be provided by the superintendent of public property with a suitable room or rooms, necessary office and laboratory furniture and appliances, supplies, stationery, books, and periodicals.

8. In all territory within this State, except in cities subject to the provisions of section 1661, the State superintendent of weights and measures shall have the power, except as otherwise provided in section 1747–20 to section 1747–25 and in section 1797m–23 to 1797m–25 of the statutes, to inspect, test, try and ascertain if they are correct, all weights, measures or weighing or measuring devices kept, offered or exposed for sale, or sold, and it shall be his duty to inspect, test, try and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments or mechanical devices for measurement, and tools, appliances or accessories connected with any or all such instruments or measurements used or employed within said territory by any proprietor, agent, lessee or employee in determining the size, quantity, extent, area or measurement of quantities, things, produce, or articles of any kind offered for distribution, consumption, transportation, sale, barter, exchange, hire, or award. He shall have the power to, and shall from time to time by himself, his agents, inspectors, or sealers, weigh or measure and inspect packages or amounts of commodities of whatsoever kind, kept for the purpose of sale, or exposed for sale, sold, or in the process of delivery, in order to determine whether the same contains the amounts represented and whether they are offered for sale or sold in the manner in accordance with law.

Sec. 1660 (a1911). City standards.—The common council of each city appointing a sealer under section 1661 shall procure at the expense

of the city and shall keep at all times a complete set of weights and measures, scales, and beams in exact conformity to the State standards, except that they may be made of such materials as the superintendent of weights and measures may direct; all such weights and measures, scales, and beams having been tried and accurately proved by him shall be sealed and certified to by the State superintendent of weights and measures, and shall then be deposited with and preserved by the city sealer as public standards. Whenever the common council of such city shall neglect for six months so to do, the city clerk, on notification and request by the superintendent of weights and measures, shall provide such standards and cause the same to be so tried, proved, sealed, certified, and deposited at the expense of the city.

Sec. 1661, as amended by Laws, 1923, ch. 402, p. 689. City dealers; duties; powers; sealing; prosecutions; bond; legislative powers reserved to cities.—1. There shall be a city sealer of weights and measures in all cities having a population of more than five thousand inhabitants according to the last official United States census, who shall be appointed by the mayor from a list to be furnished by the State or local civil service board and under the rules of said board. He shall be paid a salary to be fixed by the board or body authorized to fix the salaries of city officials, and shall be provided with suitable office quarters in said city, and no fees shall be charged by him or by the city for inspection or testing of weights, measures, or weighing or measuring devices.

2. Except as otherwise provided in sections 1747–20 to 1747–25 and in sections 1797m–23 to 1797m–25, the city sealer shall within his city have the power to inspect, test, try, and ascertain if they are correct, all weights, measures, or weighing or measuring devices, kept, offered, or exposed for sale or sold, and it shall be his duty to inspect, test, try, and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments, or mechanical devices for measurement, and tools, appliances, or accessories connected with any or all such instruments or measurements, used or employed within the city by any proprietor, agent, lessee or employee in determining the size, quantity, extent, area, or measurement of quantities, things, produce, or articles of any kind offered for distribution, consumption, transportation, sale, barter, exchange, hire, or award. The city sealer shall have the power to and shall from time to time weigh or measure and inspect packages of amounts of commodities of whatsoever kind kept for the purpose of sale, offered or exposed for sale, sold or in the process of delivery, in order to determine whether the same contain the amounts represented, and whether they be offered for sale or sold in a manner in accordance with law.

3. He shall, at least once in each year or as much oftener as he may deem necessary, see that all weights, measures, and weighing and measuring apparatus used in the city are correct and that the same are in compliance with the regulations issued by the State superintendent of weights and measures. He may for the purpose above mentioned, and in the general performances of his official duties, with or without formal warrant, enter or go in or upon any stand, place, building, or premises; or may stop any vendor, peddler, junk dealer, coal wagon, ice wagon, or any dealer whatsoever, for the purpose of making the proper tests.

4. Whenever the city sealer finds a violation of the statutes relating to weights and measures, he shall cause the violator to be prosecuted. Whenever the sealer compares weights and measures and finds that they correspond or causes them to correspond with the standards in his possession, and with the regulations issued by the State superintendent of weights and measures, he shall seal or mark the same with appropriate devices to be approved by the State superintendent of weights and measures. The sealer shall condemn and seize and may destroy incorrect weights and measures and weighing or measuring instruments which can not be repaired; and such as are incorrect and yet may be repaired, he shall mark or tag as "condemned for repairs" in a manner prescribed by the State superintendent of weights and measures.

5. The city sealer shall keep a complete record of the work done by him and shall make a quarterly report to the mayor, which report shall be filed with the city clerk, and a quarterly report duly sworn to, to the State superintendent of weights and measures, these quarterly reports to cover the three-month periods beginning July first, October first, January first, and April first respectively and to be submitted not later than twenty days following the expiration of the period covered by the report.

6. The city sealer of weights and measures shall forthwith on his appointment execute and file an official bond, with sureties approved by the appointing power.

7. Nothing contained in sections 1658 to 1670a, inclusive, shall be construed as prohibiting cities subject to the provision of this section from enforcing ordinances regulating weights and measures, heretofore or hereafter enacted not in conflict with said sections or the regulations of the superintendent of weights and measures issued in pursuance thereof; nor as prohibiting cities from employing city sealers of weights and measures to perform other public services not inconsistent with their duties as sealers of weights and measures, with or without extra compensation, as determined and fixed by the city: *Provided*, That where such services are rendered to another city department, the cost of such services be charged to the city department receiving same.

Sec. 1662 (a1911). Sealers in State at large.—In all territory within this State, except cities subject to the provisions of section 1661, the inspectors of weights and measures appointed under subsection 1 of section 1659 and such assistant dairy and food commissioners and such cheese factory, dairy and food inspectors and such creamery and dairy and food inspectors as may from time to time be designated by the superintendent of weights and measures shall act, ex officio, as sealers of weights and measures, with like authority, powers, and duties as prescribed for city sealers in subsections 2 to 5, inclusive, of section 1661.

Sec. 1663 (a1919). Sealer's liability.—If any sealer of weights and measures shall neglect to perform any duty imposed by law or shall prove and seal any weight, measure, scale or beam by any public standard which shall not have been tried, proved and sealed as prescribed by this chapter he shall forfeit for each such offense ten

dollars. The State superintendent of weights and measures may remove from office any sealer of weights and measures for willful malfeasance or nonfeasance or for manifest incompetence, upon first giving him written notice of the charges against him and a reasonable opportunity to be heard in his defense.

Sec. 1664 (a1911). Police powers of sealers.—1. There is hereby conferred upon the State superintendent of weights and measures, his inspectors, and all sealers of weights and measures, police power; they shall be provided by the superintendent of weights and measures with suitable badges or insignia of authority and in the exercise of their functions shall exhibit the same, upon demand, to any person questioning their powers, and they are hereby empowered and authorized to make arrests, with or without formal warrant, of any person or persons violating the provisions of any statute relating to weights and measures.

2. Whoever in any manner whatsoever impersonates or hinders the State superintendent of weights and measures or any inspector or any sealer of weights and measures, in the performance of their official duties shall be punished by a fine of not less than ten nor more than one hundred dollars.

Sec. 1665 (a1915). Dry commodity standards.—Whenever any of the articles or commodities mentioned in this section shall be sold by the bushel, or fractional part thereof, and no special agreement as to the weight thereof shall be made in writing, the measure thereof shall be ascertained by avoirdupois weight, and shall be computed as follows:[1]

	Pounds per bushel		Pounds per bushel
Wheat	60	Peaches	48
Peas	60	Pears	48
Potatoes	60	Hungarian grass seed	48
Clover seed	60	Blue grass seed	14
Beans	60	Redtop seed	14
Alfalfa	60	Castor beans	46
Alsike	60	Timothy seed	45
Indian corn	56	Rough rice	45
Rye	56	Hemp seed	44
Lima beans	56	Parsnips	44
Wrinkled peas	56	Apples	44
Flaxseed	56	Sea island cotton seed	44
Rutabagas	56	Turnips	42
Tomatoes	56	Cranberries	35
Sweet potatoes	54	Barley malt	34
Corn meal	50	Dried peaches	33
Rape seed	50	Oats	32
Millet seed	50	Onion sets	32
Beets	50	Upland cottonseed	30
Green cucumbers	50	Dried apples	25
Rye meal	50	Bran	20
Carrots	50	Shorts	20
Buckwheat	50	Coarse salt	70
Hickory nuts	50	Lime	70
Onions	50	Unslaked lime	80
Fine salt	50	Plastering hair	8
Barley	48	Hemlock bark	[2] 2,200

[1] A slight change has been made in the arrangement for convenience of reference.
[2] Pounds per cord.

For a fractional part of a bushel a like fractional part of the above weights shall be required.

All dry commodities not otherwise specified in this section shall be bought or sold only by standard dry measures, standard weight, or numerical count except where parties otherwise agree in writing.

Sec. 1666 (a1911). Standard bushel.—The bushel in struck measure shall contain two thousand one hundred fifty and forty-two hundredths cubic inches. The half bushel and the parts thereof shall correspond in capacity to that of the bushel and shall be the standard measure for fruits, vegetables, and other dry commodities customarily sold by heaped measure; and in measuring such commodities, the half bushel or other smaller measure shall be heaped as high as may be without special effort or design.

Sec. 1666a (a1913). Milk and cream bottles; penalty; sealing of bottles not required by sealers.—Bottles used for the sale of milk and cream shall be of the capacity of half gallon, three pints, one quart, one pint, half pint, one gill filled full to the bottom of the cap seat, stopple or other designating mark. The following variations on individual bottles or jars may be allowed, but the average contents of not less than twenty-five bottles selected at random from at least four times the number tested must not be in error by more than one quarter of the tolerances: Six drams above and six drams below on the half gallon; five drams above and five drams below on the three-pint; four drams above and four drams below on the quart; three drams above and three drams below on the pint; two drams above and two drams below on the half pint; two drams above and two drams below on the gill. When milk or cream is pasteurized in the bottle in which it is to be sold or delivered, such bottle may have a capacity sufficient to permit of the expansion of the contents in the process of heating, but such bottle shall have clearly marked thereon by a line or other designating mark the point to which such bottle is filled when containing the respective capacities provided for in this section, at sixty-eight degrees Fahrenheit (twenty degrees centigrade). The State superintendent of weights and measures shall prescribe and adopt such rules and regulations as he may deem necessary to carry out the provisions of this section. Bottles or jars used for the sale of milk or cream shall have clearly blown or otherwise permanently marked in the side of the bottle, the capacity of the bottle and the word "Sealed" and in the side or bottom of the bottle the name, initials or the trade-mark of the manufacturer and designating number, which designating number shall be different for each manufacturer and may be used in identifying the bottles. The designating number shall be furnished by the State superintendent of weights and measures upon application by the manufacturer, and upon filing by the manufacturer of a bond in the sum of one thousand dollars with sureties to be approved by the attorney-general, conditioned upon their conformance with the requirements of this section. A record of the bonds furnished, the designating numbers, and to whom furnished, shall be kept in the office of the superintendent of weights and measures.

2. Any manufacturer who sells milk or cream bottles to be used in this State that do not comply as to size and markings with the provisions of this section shall suffer the penalty of five hundred dollars,

to be recovered by the attorney-general in an action against the offender's bondsmen, to be brought in the name of the people of the State. Any dealer who uses, for the purpose of selling milk or cream, jars or bottles purchased after this law takes effect that do not comply with the requirements of this section as to markings and capacity, shall be deemed guilty of using false or insufficient measure.

3. Sealers of weights and measures are not required to seal bottles or jars for milk or cream marked as in this section provided, but they shall from time to time make tests on individual bottles used by the various firms in the territory over which they have jurisdiction, in order to ascertain whether the above provisions are being complied with, and they shall report violations found immediately to the superintendent of weights and measures.

Sec. 1666b (a1911). Sale of coal, charcoal, and coke.—It shall be unlawful to sell or offer to sell in this State any coal, charcoal, or coke in any other manner than by weight. No person, firm, or corporation shall deliver any coal, charcoal, or coke without each such delivery being accompanied by a delivering ticket and a duplicate thereof, on each of which shall be in ink, or other indelible substance, distinctly expressed in pounds, the gross weight of the load, the tare of the delivery vehicle, and the quantity, or quantities of coal, charcoal, or coke, contained in the cart, wagon, or other vehicle used in such deliveries, with the name of the purchaser thereof, and the name of the dealer from whom purchased. One of these tickets shall be surrendered to the sealer of weights and measures upon his demand, for his inspection, and this ticket or weight slip issued by the sealer when the sealer desires to retain the original shall be delivered to said purchaser of said coal, or his agent or representative, at the time of the delivery of the fuel; and the other ticket shall be retained by the seller of the fuel. When the buyer carries away the purchase, a delivery ticket showing the actual number of pounds delivered over to the purchaser must be given to the purchaser at the time the sale is made.

Sec. 1667 (a1917). Net weight required; ton.—When any commodity shall be sold by weight it shall be understood to mean the net weight, and all contracts concerning goods or commodities sold by weight shall be construed accordingly unless such construction would be manifestly inconsistent with the special agreement of the parties contracting. When any commodity is sold by the ton it shall be understood to mean the net weight of twenty hundred avoirdupois pounds unless such construction would be manifestly inconsistent with the special agreement of the parties contracting.

Sec. 1668 (a1921). Standard barrels, crates, and boxes; barrel for beer, ale, etc.; barrel for flour; barrel for potatoes or other vegetables; barrel of lime; standard barrel for apples, pears, and other fruit; capacity; dimensions; barrel for cranberries; crate for apples, pears, etc.; bushel crate for cranberries or blueberries; berries, less than one bushel, how sold; fresh fruits and vegetables, how sold; barrels, crates, and boxes of other capacities may be used, when; construction of law.—1. A barrel for liquids shall contain thirty-one and one-half gallons, and a hogshead two barrels.

2. A barrel for beer, ale, porter or other similar fermented liquors shall contain thirty-one gallons, each gallon to contain two hundred

thirty-one cubic inches; a half barrel, fifteen and one-half gallons; a quarter barrel, seven and three-fourths gallons; an eighth barrel, three and seven-eighths gallons. The capacities of the barrel and its subdivisions enumerated above shall apply to all containers in which beer, ale, porter or other similar fermented liquors are commonly sold, known as barrels, kegs, casks, or any other container made of staves, hoops and flatheads. Reasonable tolerances shall be prescribed by the State superintendent of weights and measures for the containers above designated.

3. A barrel of flour measured by weight shall contain one hundred ninety-six pounds; [.]

4. A barrel [3] for potatoes or other vegetables shall be the same as the standard barrel for apples or pears or other fruit as provided in subsection 6 of this section.

5. A barrel of unslaked lime shall contain two hundred pounds.

6. The standard barrel [3] for apples or pears or other fruit, unless otherwise specifically defined, shall have an interior capacity of seven thousand and fifty-six cubic inches, and shall not be less than twenty-six inches between the heads inside; the diameter of the heads shall be seventeen and one-eighth inches, including the beveled edge; the outside bilge or circumference shall be not less than sixty-four inches, the thickness of the staves being four-tenths of an inch: *Provided, however*, That any barrel of a different form, but of an interior capacity of seven thousand and fifty-six cubic inches, shall be a legal barrel.

7. The standard barrel [3] for cranberries shall measure not less than twenty-five and one-quarter inches between the heads inside; the diameter of the heads shall be sixteen and one-quarter inches, including the beveled edge; the outside bilge, or circumference, shall measure not less than fifty-eight and one-half inches, the thickness of the staves being four-tenths of an inch. But any barrel of different form, but of the same interior capacity shall be considered a legal barrel.

8. A standard crate, box or basket for apples, pears, plums, peaches, and other fruits not secondarily contained in quart or other boxes within such crate, box or basket, shall have an interior capacity of two thousand one hundred fifty cubic inches exclusive of cover.

9. A bushel crate of cranberries or blueberries shall have an interior capacity of one bushel struck measure.

10. All sales of blackberries, blueberries, currants, gooseberries, raspberries, cherries, strawberries, and similar berries in quantities of less than one bushel shall be by the quart, pint, or half-pint, dry measure, and all berry boxes or baskets sold, used, or offered for sale within the State shall be of the interior capacity of not less than one quart, pint, of half-pint, dry measure. Any person who, by himself or by his servant or agent or as the servant or agent of another, shall violate any of the provisions of this subsection shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days nor more than three months. In addition

[3] See footnote, p 20, relative to Federal standard barrel.

thereto, the illegal boxes or baskets and the fruit therein contained may be confiscated.

11. All sales of fresh fruits or vegetables in containers of less than one bushel dry capacity measure shall be in containers of the standard capacity of one quart, two quarts, three quarts, four quarts, five quarts, six quarts, eight quarts, sixteen quarts or twenty-four quarts standard dry measure, and such receptacles shall in fact contain the full capacity of such fresh fruits or vegetables, or if in other than standard containers such receptacles for fresh fruits or vegetables shall be plainly and conspicuously marked to indicate the true net weight, measure or numerical count of such fruits or vegetables.

13. All contracts for the sale of apples, pears, cranberries, or other fruits, potatoes or other vegetables, by the barrel or crate, unless it is otherwise expressly stipulated in writing, shall be construed to mean barrels or crates of the capacity prescribed in subsections 4, 6, 7, 8, and 9 of this section.

14a. Nothing in this section shall be construed as preventing the sale and shipment into other States of barrels, crates, berry boxes, or baskets of other capacities than those herein specified, nor as prohibiting the use of barrels, crates, berry boxes, or baskets of other capacities than those herein specified for the sale and shipment therein into other States of the fruits or vegetables named or designated in this section; and until the first day of March, 1913, nothing in this section shall prevent the sale by net avoirdupois weight of any of the fruits or vegetables named or designated in this section, if in containers of other capacities than the standards fixed by this section; and until the first day of March, 1913, nothing in this section shall prevent the sale of any of the fruits or vegetables named or designated in this section, if the containing barrel, crate, berry box, or basket in which the same are sold is plainly and indelibly stamped or branded on the outside thereof in characters in color different from the container, at least one inch high in the case of barrel or crate, and at least one-half inch high in the case of berry box or basket, so as to show the correct interior capacity thereof by fractional part of the standard barrel or crate or of the standard quart or pint dry measure, as the case may be, if sold for such capacity.

14b. The requirement of subsection 4 of section 1661 of the statutes as to sealing by the sealer of weights and measures shall not be construed as applying to the barrels, crates, boxes, or baskets designated in this section.

Sec. 1668m, as enacted by Laws, 1923, ch. 123, p. 227. 1. Standard loaves of bread; tolerance allowed; proviso; penalty.—All bread manufactured, procured, made or kept for sale, offered or exposed for sale, or sold, in the form of loaves for use or consumption within this State, shall be one of the following weights and no other, namely, one pound, one and one-half pounds, or multiples of one pound avoirdupois weight: *Provided, however*, That a variation or tolerance of one and one-fourth ounces in excess or one and one-fourth ounces in deficiency per pound from the weights provided for in this section be allowed in the weight of individual loaves of bread; and the weight of individual loaves of bread shall be held to be the average of at least ten loaves of the same approximate weight and

same manufacturer, if that number is available at the time of weighing in any place where bread is manufactured, procured, made or kept for sale, offered or exposed for sale, or sold. If ten loaves are not available, then the weight of individual loaves shall be held to be the average of all available loaves of the same approximate weight and same manufacturer, at the time of weighing in any place where bread in loaves is manufactured, procured, made or kept for sale, offered or exposed for sale, or sold, but in no case shall said number be less than five.

2. The provisions of this section shall not apply to rolls, buns, biscuits, crackers and similar articles weighing less than four ounces avoirdupois each, nor to stale bread: *Provided*, That such bread be conspicuously marked "stale bread," or placed in a container conspicuously marked "stale bread," and sold as and for stale bread.

3. Any person, firm or corporation who by himself, his servant or agent, or as the servant or agent of another person, firm or corporation, shall manufacture, procure, make or keep for sale, offer or expose for sale, or sell, bread in the form of loaves of weights other than provided for in subsection 1 of this section and in excess of the tolerances provided for therein, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment not more than ninety days nor less than ten days, or by both such fine and imprisonment.

4. The dairy and food commissioner as ex officio State superintendent of weights and measures, by himself, his inspectors, sealers of weights and measures, chemists, or agents, and city sealers of weights and measures, shall enforce the provisions of this section.

Sec. 1669 (a1867). Hop boxes.—The standard size of boxes used for picking hops shall be not exceeding three feet long, one and one-half feet wide and two feet deep, inside measure.

Sec. 1670 (1872). Standard for grain.—No person shall sell, buy or receive in store any grain at any weight or measure per bushel other than the standard weight or measure per bushel fixed by law; and for any violation hereof the offender shall forfeit not less than five nor more than fifty dollars.

Sec. 1670a (1879). Grain tester, how used.—No person shall determine the grade of any grain which is bought or received in store at any mill, elevator, warehouse or storehouse by the use of any grain tester that is not sealed in accordance with the United States standard of measure and which sealer is not in accordance therewith at the time it is used. When grain is tested at the instance of the seller the tester shall be filled by pouring the grain into it from a scoop or a similar vessel, and when the tester is filled it shall be struck or leveled with three zigzag movements of a straight edge. Any person who shall violate the provisions of this section and thereby cheat or defraud the seller or buyer of any grain shall be punished as is provided in section 4432.

Sec. 1670b (a1913). Appropriation.—The salaries and expenses of city sealers shall be paid from the city treasuries, respectively.

Sec. 1670m (1911). Cheese purchased at wholesale to be weighed before delivery; penalty.—1. Every person, firm or corporation that purchases or engages in the business of purchasing cheese in quantities

of fifty pounds or more, in this State shall, in all cases except where otherwise agreed by express contract, correctly weigh or cause to be correctly weighed, each and every box or package thereof, at or before the time that such cheese shall be delivered to the purchaser, or to any common carrier for the purchaser for shipment, and every such person, firm or corporation shall make payment for all such cheese purchased, according to the weight so ascertained, and at the price or amount therefor agreed upon with the owner or vendor of such cheese at the time of such delivery, except for such cheese as shall be found to be of inferior quality by a test thereof made at or before the time of such delivery.

2. Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten nor more than two hundred dollars.

Sec. 1670n (1913). Sale of growing crops; weighing; quality.—Any person, firm or corporation transacting business in this State, that shall enter into any contract for the purchase of any crop that is not ready for immediate delivery, shall in all cases weigh, or cause to be weighed, the crop so purchased, at or before the time such crop is delivered to the purchaser, or to a common carrier at the direction of the purchaser for shipment, and every such person, firm or corporation shall ultimately make payment in full for all of the crop so purchased according to the weight so ascertained and at the price or amount specified in the contract, without regard to the quality or condition of such crop or portions thereof at the time of delivery, unless any inferior quality or unsound condition of such crop shall be due to the negligence or wilful act of the vendor, subsequent to such purchase, and in case any purchaser shall fail or refuse to comply with his contract as provided in this section, the vendor, in any action prosecuted by him to recover for any crop sold to such purchaser, shall recover as damages for such failure or refusal, double the contract price of such crop at the weight thereof when ready for delivery and offered to or accepted by the purchaser.

Sec. 1670t. Cotton duck or canvas; weight and quality; removing or effacing mark; penalty.—1. That for the purposes of this section cotton duck or canvas shall be deemed to include all cotton duck or canvas, whether single filling, double filling, roll or wide duck.

2. That for the purposes of this section, the equivalent of thirty-six inches in length by twenty-nine inches in width or seven and one-fourth square feet of cotton duck or canvas shall constitute a yard, and an ounce shall be one-sixteenth part of a pound avoirdupois.

3. Any person, company or corporation who shall manufacture for sale or who may offer or expose for sale any cotton duck or canvas, or any article other than clothing and wearing apparel composed or made in whole or in part of cotton duck or canvas, shall distinctly and durably stamp, brand, or mark thereon the true and correct weight of such cotton duck or canvas, by ounces per yard, together with a description by name of any filler or other preparation placed in or on said cotton duck or canvas since its manufacture.

4. It shall be unlawful for any person or corporation, either individually or in any representative capacity, to carry for sale, sell or

endeavor to sell any cotton duck or canvas as herein defined, or any articles other than clothing and wearing apparel, composed or made in whole or in part of any cotton duck or canvas without having marked thereon the true and correct weight of said canvas or cotton duck by ounces per yard, together with a description by name of any filler or other preparation placed in or on said cotton duck or canvas since its manufacture, or to misstate, misrepresent, or conceal the true weight of said canvas or cotton duck by ounces per yard, or to misstate, misrepresent, or conceal the existence of any filler or other preparation placed in or on said cotton duck or canvas since its manufacture.

5. It shall be unlawful for any person or corporation either individually or in representative capacity, selling, carrying for sale or endeavoring to sell any awnings, paulins, wagon covers, tents, grain and hay covers, stable or tent tops to misstate, or misrepresent, or conceal the true and correct size and dimensions thereof.

6. It shall be unlawful for any person to deface, multilate, obscure, conceal, efface, cancel, or remove any mark provided for by this section or cause, or permit the same to be done with intent to mislead, deceive, or to violate any of the provisions of this section.

7. Any person, company, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall for the first offense be punished by a fine of not less than twenty-five dollars nor more than fifty dollars, and for each subsequent offense by a fine of not less than fifty dollars nor more than one hundred dollars.

Stats., 1921, Vol. II, ch. 182, p. 2220.

Sec. 4432 (a1917). False weights and measures; fraud in use of electric current, gas, water, or steam; unsealed weight or measure, may be used, when.—1. Any person who, by himself or by his agent or servant, or as the agent or servant of another, shall use in the buying or selling of any commodity or thing, or for hire or award, or retain in his possession, any false weight or measure or weighing or measuring device; or who shall sell or offer for sale, or have in his possession for the purpose of selling, any false weight or measure or weighing or measuring device, or any device or instrument to be used or calculated to falsify any weight or measure; or who shall use or retain in his possession, except as expressly provided by statute any weight or measure or weighing or measuring device which has not been sealed by a sealer of weights and measures within one year; or who shall sell, or offer or expose for sale, or keep for the purpose of sale a lesser quantity of any commodity than he represents such quantity to be, or shall take or attempt to take more than the quantity he represents, when, as buyer, he furnishes the weight, measure, or weighing or measuring device, by means of which the amount of commodity is determined; or who shall sell or offer or expose for sale, or keep for the purpose of sale any commodity in a manner contrary to law; or who shall violate any provision of section 1658 to section 1670a, inclusive, for which a specific penalty has not been prescribed; shall be punished by a fine of not more than twenty-five dollars, or by imprisonment in the county jail not more than ten days, or by both such fine and imprisonment.

2. Or any person who willfully, with intent to cheat or defraud the buyer or seller of electric current, gas, water, or steam, shall make or cause to be made or aid in the making of any electric conductor, gas pipe, water pipe, steam pipe, or other instrument or contrivance, or any connection as to conduct or supply or intended to conduct or supply electric current, gas, water, or steam to any lamp or motor or machine or burner or orifice or appliance from which such electricity, gas, water, or steam may be consumed or utilized, without passing through or being registered by a meter; or any person who shall willfully use a false meter for the measurement of electric current, gas, water, or steam in the buying or selling of the same; or who shall willfully obstruct or interfere with the working of any meter used for such purposes, so as to cause or be intended to cause a false registration of the amount of electric current, water, gas, or steam consumed with the intent to cheat or defraud the seller or buyer of such electric current, gas, water, or steam, shall be punished by imprisonment in the county jail not more than one year or by a fine not exceeding five hundred dollars; but in case the amount of damages occasioned by such cheat or fraud shall not exceed twenty dollars, he shall be punished by imprisonment in the county jail not more than three months or by fine not exceeding one hundred dollars; and in computing the amount of damages occasioned, the value of such electric current, water, gas, or steam shall be the regular current price therefor, charged to the consumer by the seller thereof.

3. But nothing contained in sections 1658 to 1670, inclusive, shall prohibit the use by any person, or by his servant or agent, in good faith, of any unsealed weight or measure or weighing or measuring device purchased or acquired by such person after the last visit of a sealer to such person for the purpose of inspection and sealing of weights and measures, or any sealed weight or measure or weighing or measuring device in his possession after the expiration of one year next after the last inspection and sealing thereof, provided the said person shall have notified the city sealer in cities subject to the provisions of section 1661, or the superintendent of weights and measures, respectively, in writing, signed by said person, of the fact that he has such weight or measure or weighing or measuring device, giving the number thereof and a general description of the same, and the place where the same may be found for the purpose of inspection, and shall have received a written acknowledgment of said notice, signed by such city sealer or superintendent of weights and measures.

Stats., 1921, Vol II, ch. 187, p. 2299.

Sec. 4601aa (a1913). Foods; false branding of weight, measure, count, or contents; prosecution.—Any person, who by himself, or by his servant or agent, or as the servant or agent of another, shall manufacture or solicit or take orders for delivery, or sell, exchange, deliver or have in possession with the intent to sell, exchange or expose, or offer for sale or exchange any article of food within the meaning of section 4600 of the statutes which is misbranded within the meaning of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days nor more than sixty days.

The term "misbranded," as used herein, shall apply:

(1) To articles of food, or articles which enter into the composition of food, which, or the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular;

(2) To articles of food in package form which do not bear plainly and conspicuously marked on the outside thereof the name and address of the manufacturer, packer or dealer;

(3) To articles of food in package form if the actual quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count; reasonable variations, however, shall be permitted from the stated weight, measure or numerical count, and the dairy and food commissioner shall establish tolerances for the same by rules and regulations;

* * * * * * *

The term "label," as used in this section and in section 4601, or in any other section of the statutes, relating to the adulteration or misbranding of food, unless otherwise specifically described and provided therein, shall apply to any printed, pictorial, or other matter upon or attached to any package of a food product or any container thereof.

The term "package" as applied to articles of food shall mean a closed receptacle of any kind in which an article of food is kept in stock and which with its contents is sold to the public.

The dairy and food commissioner, by himself, or by his assistants, chemists, inspectors and agents, is hereby authorized to enforce the provisions of this section and for this purpose all the powers conferred upon the said commissioner, his assistants, chemists, inspectors and agents, by sections 1410a, 1410b, 1410d, or by any other provision of the statutes are hereby conferred upon said dairy and food commissioner, his assistants, chemists, inspectors and agents, so far as the same may be applicable.

The provisions of subdivisions (3) and (4) of this section shall not apply to foods in package form when dispensed for consumption on the premises, or when the numerical count of the inclosed units is less than six, or when the net weight of the contents of the package is less than three ounces avoirdupois; or in case of liquids when the contents of the package are less than one fluid ounce; or to fruits and vegetables when such fruits and vegetables are sold by the standard barrel, standard crate, standard box or basket or other standard receptacle as provided in section 1668 of the statutes.

Sec. 4601–2a. Ice cream, volume of, when melted.—10. (*a*) * * * The volume of ice cream after being melted shall be not less than one-half the volume of the ice cream as manufactured and sold.

(*b*) * * * The volume of fruit ice cream after being melted shall be not less than one-half the volume of the fruit ice cream as manufactured and sold.

(*c*) * * * The volume of nut ice cream after being melted shall be not less than one-half the volume of the nut ice cream as manufactured and sold.

(*d*) * * * The volume of chocolate or cocoa ice cream or caramel ice cream after being melted shall be not less than one-half the volume of the chocolate or cocoa ice cream or caramel ice cream as manufactured and sold.

(*e*) * * * The volume of orange ice cream, lemon ice cream, caramel ice cream or wintergreen ice cream after being melted shall be not less than one-half the volume of the orange ice cream, lemon ice cream, caramel ice cream, or wintergreen ice cream as manufactured and sold.

(*f*) * * * The volume of maple ice cream after being melted shall be not less than one-half the volume of the maple ice cream as manufactured and sold.

Stats., 1921, Vol. I, ch. 76, p. 1286.

Sec. 1658m, as added by Laws, 1923, ch. 244, p. 436. Standard time.—The standard of time in this State shall be the solar time of the ninetieth meridian west of Greenwich, commonly known as central time, and no department of the State government and no county, city, town or village shall employ any other time or adopt any ordinance or order providing for the use of any other than the standard of time.

Stats., 1921, Vol. I, ch. 76gg, p. 1162.

Sec. 1495–10 (1921). Standards and regulations for food products and farm products.—1. The department, after public hearing, may establish standards for the grade or other classification of food products and farm products and for receptacles therefor and may prescribe regulations governing the marks or tags which may be required upon food products or farm products or upon receptacles therefor, for the purpose of showing the name, address or serial number of the person producing or marketing the product, the grade or other classification, quality, quantity, type, variety, size, weight, nature or condition of the product.

2. No standard or regulation under this section, which is repugnant to any requirement made mandatory under Federal law, shall apply to products or receptacles which are being shipped from the State in interstate commerce.

3. No standard shall apply to products or receptacles coming from outside the State but such products or receptacles may be required to be marked or tagged to indicate that they came from outside the State and to show any other fact regarding which marking or tagging may be required under this section: *Provided*, That such products or receptacles, at the time when marking or tagging is required, have ceased to be interstate commerce.

4. No standard established under this section for the grade or other classification of any food product or farm product shall affect the right of any person to dispose of such product without conforming to the standard, but such person may be required to mark or tag such product, in such a manner as the department may direct, to indicate that it is not intended to be marketed as of a grade or classification contained in the standard and to show any other fact regarding which marking or tagging may be required under this section.

5. No standard or regulation shall be established or prescribed under this section which is in conflict with any standard or regulation contained in or heretofore promulgated under authority of any other statute of the State.

6. No standard or regulation shall be established or prescribed by the department of markets under this section in any case where any other State department, commission or official has authority to establish such a standard or prescribe such a regulation, unless the department of markets establishes the standard or prescribes the regulation jointly with such other department, commission or official. No standard or regulation shall be established or prescribed by any other State department, commission or official in any case where the department of markets has authority to establish such a standard or prescribe such a regulation under this section, unless such other department, commission or official establishes the standard or prescribes the regulation jointly with the department of markets. The governor shall act as arbiter in case of disagreement or conflict of authority between the department of markets and any other State department, commission or official under this section.

7. No standard established under this section shall become effective until at least thirty days after the text thereof is published.

8. Whenever any standard or regulation under this section has become effective, no person marketing or having in his possession for commercial purposes any product or receptacle to which the standard is applicable shall represent such product or receptacle, unless in a manner authorized by the department, as being of any grade or classification other than a grade or classification contained in such standard, except as provided in subsections 2 and 3 of this section; and no person marketing or having in his possession for commercial purposes any product or receptacle to which the standard is applicable shall represent such product or receptacle as being of a grade or classification contained in the standard, when as a matter of fact such product or receptacle is below the requirements of such grade or classification; and no person shall market or have in his possession for commercial purposes any product or receptacle unless the marking or tagging thereon conforms to the regulation prescribed under this section: *Provided*, That representing a product or receptacle as being of a grade or classification contained in the standard, when as a matter of fact such product or receptacle is below the requirements of such grade or classification, shall not be a violation of this section, if the department has adopted the means of enforcing the standard described in section 1495–11: *Provided, further*, That possession, under this section shall not include possession by a carrier or other bailee.

9. Whenever the department finds that any person marketing or having in his possession any product or receptacle to which the standard is applicable has intentionally violated any provision of subsection 8 of this section, the department, after opportunity for hearing has been given such person, may, by special order, revoke the right of such person to represent any product or receptacle to which the standard is applicable as being of any grade or classification contained in the standard and may, in said order, require such person to mark or tag such product or receptacle as provided

in subsection 4 of this section. The department may, without hearing, suspend such right for a period not exceeding ten days, pending investigation. The department may, in the discretion of the commissioner, restore such right to any person from whom it has been revoked.

Sec. 1495–11. Inspector's certificate.—1. The department, as a means of enforcing the standard for the grade or other classification of any food product or farm product or for any receptacle therefor, may require any such product or receptacle to bear the official certificate of an inspector licensed under section 1495–12.

2. Whenever the department has required any product or receptacle to bear the official certificate of an inspector licensed under section 1495–12, no person marketing or having in his possession for commercial purposes any such product or receptacle shall remove, mutilate or alter the official certificate thereon or represent such product or receptacle, unless in a manner authorized by the department, as being of any grade or classification other than the grade or classification designated by the official certificate thereon, except as provided in subsections 2 and 3 of section 1495–10; and no person shall market or have in his possession for commercial purposes any such product or receptacle unless such product or receptacle bears the official certificate of an inspector licensed under section 1495–12, except as provided in subsections 2, 3 and 4 of section 1495–10: *Provided*, That such a product or receptacle may be marketed or had in possession without an official certificate issued at the point of shipment if such product or receptacle is destined for shipment to a point within the State, where the shipper has arranged for the issuance of an official certificate: *Provided, further*, That possession, under this section, shall not include possession by a carrier or other bailee.

Sec. 1495–12. Licensing of inspectors.—1. The department, upon presentation of satisfactory evidence that the applicant is competent, may issue a license to any person to certify the grade or other classification of food products or farm products or of receptacles therefor, for which standards have become effective under section 1495–10. The purpose of such certification may be either to enforce the standard or merely to furnish to an interested party an official statement of the grade or other classification. A certificate issued under this section, unless superseded by a finding as provided in subsection 4 of this section, shall be accepted in any court of this State as prima facie evidence of the facts to which the certificate relates.

2. No fee shall be charged the licensee for any license issued under this section.

3. The department may—in the discretion of the commissioner—fix and cause to be collected a reasonable, uniform fee for certification where the purpose of such certification is to enforce the standard. The department shall fix and cause to be collected a reasonable, uniform fee for certification where the purpose of such certification is merely to furnish to an interested party an official statement of the grade or other classification.

4. Any person affected by a certification made under this section may appeal to the department from such certification within a reasonable time to be prescribed in regulations issued by the depart-

ment. The department shall thereupon make an investigation to determine the true grade or other classification of the product or receptacle and shall issue a finding thereof. Such a finding shall be accepted in any court of this State as prima facie evidence of the facts to which the finding relates.

5. The department shall charge and collect a reasonable fee for any appeal taken under this section but shall refund such fee if the appeal is sustained.

6. The department, after opportunity for hearing has been given the licensee, may, by special order, revoke any license issued under this section, whenever the department finds that such licensee is incompetent or has knowingly or carelessly issued any false or improper certificate of grade or other classification or has accepted money or other consideration, directly or indirectly, as compensation for any neglect or improper performance of duty or has violated any provision of sections 1495–1 to 1495–30, inclusive, or any regulation made thereunder. The department may, without hearing, suspend such right for a period not exceeding ten days, pending investigation. The department may in the discretion of the commissioner, restore the license of any person whose license has been revoked.

7. No person shall certify or attempt to certify that the grade or other classification of any food product or farm product or of any receptacle therefor conforms or does not conform to the standard established under section 1495–10, unless such person holds an unrevoked and unsuspended license issued under this section. No person shall influence or attempt to influence any licensee to neglect or improperly perform his duty. No licensee shall knowingly issue any false or improper certificate of grade or other classification or accept money or other consideration, directly or indirectly, as compensation for any neglect or improper performance of his duty.

Stats., 1921, Vol. I, ch. 77, p. 1293.

Sec. 1671 (a1898). Rate fixed.—The owners or occupiers of all gristmills moved by water shall be entitled to one-eighth part of all wheat, rye or other grain ground and bolted or ground and not bolted, and no more; and such owners or occupiers shall not be permitted to grind their own grain to the exclusion of other grists so long as such mill is used and occupied as a gristmill.

Stats., 1921, Vol. II, ch. 84a, p. 1385.

Sec. 1747–5, as amended by Laws, 1923, ch. 114, p. 208. Duties; weighing and grading grain.—The grain and warehouse commission shall inspect, weigh and grade all grain grown in this State, and any other grain upon request which is milled or received for milling, bought or sold in the city of Superior, and shall inspect, weigh and grade all grain received for storage, stored or shipped either by boat or railway from any and all public warehouses as defined by or declared to be such warehouses under the provisions of section 1747–6 of the statutes: *Provided, however*, That whenever the Secretary of Agriculture of the United States has established grades, weights and measures, or any standards of quality and condition of any grain, seed and other agricultural products under the United States grain standards act, such grades, standards of quality and condi-

tions, weights and measures shall become the grades, standards of quality and conditions, weights and measures of this State. For the purpose of making such inspection, weighing and grading of grain, said commission shall have the power, and it shall be their duty to appoint a chief inspector and one or more deputy inspectors, a weighmaster and one or more deputy weighmasters, and to adopt and publish rules and regulations governing the inspection, weighing and grading of grain delivered into or shipped out of any and all such elevators and warehouses in said city. And there is further granted to said commission full power and authority to make such further regulations as will enable them to fully comply with all the provisions of sections 1747–1 to 1747–55, inclusive, of the statutes, including the granting of licenses to elevators and warehouses hereinafter provided for, and the establishment and collection of charges and fees for the inspection, weighing and grading of the grain.

2. The commission may, upon request, enforce reasonable regulations for the weighing of cars of coal offered for shipment in carload lots and may direct any deputy weighmaster to weigh coal in carload lots on the docks within the territory under its jurisdiction, except coal shipped by any person, firm or corporation for its own use or consumption, and issue weighing certificates therefor, and to inspect and supervise scales therefor. The commission shall fix a fee for any such services, and such fee and all expenses incurred by the commission in complying with such request shall be paid by the person, firm or corporation making the request therefor.

Sec. 1747–20 (a1907). Test of scales; penalty.—* * * And all scales used for the weighing of grain in public warehouses shall be subject to examination and test by any duly authorized inspector, weighmaster or sealer of weights and measures, at any time when required by any person or persons, agent or agents, whose grain has been, or is to be weighed on such scales. The expense of such test by an inspector or sealer to be paid by the warehouse proprietor if the scales are found incorrect, but not otherwise. Any warehouseman who shall be guilty of continuing to use scales found to be in an imperfect or incorrect condition, by such examination and test, until the same shall have been pronounced correct and properly sealed, shall be liable to be proceeded against as herein provided.

Sec. 1747–21, as amended by Laws, 1923, ch. 114, p. 208. Duty of weighmaster.—The weighmaster appointed by the grain and warehouse commission and his deputies, shall supervise and have exclusive control of the weighing of grain received into any mill or received, stored or delivered or shipped from any and all public warehouses and also the inspection of scales upon which grain is weighed; and the action or certificates of such weighmaster or his assistants, in the discharge of their duties, shall be conclusive upon all parties, either in interest or otherwise, as to the matters contained in said certificates.

Sec. 1747–22. Fees.—The grain and warehouse commission shall fix the fees to be paid for the weighing of grain, which fees shall be paid by the warehouseman, and may be added to the charges for storage.

Sec. 1747–23 (a1913). Weighmaster; assistant; eligibility; bonds.—The weighmaster and each and every assistant shall not be a member of any board of trade or association of like character. They shall

give bonds in the sum of two thousand dollars, conditioned for the faithful discharge of their duties.

Sec. 1747–24. Penalty for obstruction.—In case any person, warehouse or railroad corporation or any of their agents or employes, shall refuse or prevent the weighmaster, or either of his assistants, from having access to their scales in the regular performance of their duties in supervising and weighing of any grain in accordance with the tenor and meaning of sections 1747–1 to 1747–55, inclusive, they shall forfeit the sum of one hundred dollars for each offense to be recovered in an action by the said grain and warehouse commission, and any and all moneys collected shall be turned into the State treasury.

Sec. 1747–33 (a1911). Liens.—The charge for the inspection and weighing of grain under the provisions of sections 1747–1 to 1747–55, inclusive, shall be and constitute a lien on grain so inspected, or weighed, and whenever such grain is in transit the said charges shall be treated as advanced charges to be paid by the common carrier in whose possession the same is at the time of inspection.

Sec. 1747–41, as amended by Laws, 1923, ch. 114, p. 208. Publishing rules.—The rules and regulations adopted by said grain and warehouse commission for the weighing and inspection of grain shall be published in a daily newspaper in the city of Superior and in each city in which a public warehouse is located.

Sec. 1747–58 (a1907). Minnesota sales void.—All contracts for the sale or purchase of grain upon the basis of grades fixed upon inspection made by any person or persons appointed or employed by or under the railroad and warehouse commission of the State of Minnesota or upon weights fixed or certified by such appointees or employes or by any person in any wise related to or connected with the board of trade of the city of Duluth, where the grain is to be delivered or weighed in Superior shall be void.

Sec. 1747–60. Presumption of sale.—All grain delivered from any and all elevators to cars or boats in the city of Superior, shall be presumed to have been delivered upon, or in fulfilment, in whole or in part, of a contract for the sale thereof, and shall subject said grain to weighing and inspection under the provisions of this act at the time of such delivery. But this shall not apply to the use of boats for storage out of the navigation season, provided the grain is afterwards returned to the elevator for inspection and weighing.

Sec. 1747–61. Unauthorized weighing; penalty.—No person who is not the chief weighmaster or a deputy weighmaster under the provisions of chapter 19 of the laws of Wisconsin for the year 1905 shall weigh any grain received into any elevator or mill in the city of Superior or shipped out of such elevator or mill, and any person who shall violate any of the provisions of this section shall be punished by a fine of not less than one hundred dollars for each offense: *Provided, however*, That this section shall not prevent the owner of any grain from, or punish him for, weighing his own grain where such weighing does not in anywise relate to the sale, purchase or delivery or payment for said grain, and is solely for his private use, but the burden of proof in any case to show that such weighing is for such private use shall be upon the defendant.

Stats., Vol II, 1921, ch. 87, p. 1470.

Sec. 1797–10 (a1921). Freight, weighing of; empty cars, weighing of, when; platform scale for weighing of livestock; railroad weights and scales.—* * * (*b*) Every railroad shall correctly weigh all freight shipped on actual weight, and shall also correctly weigh all empty cars when freight is shipped in carload lots; and to facilitate dealings between shippers of livestock and railroad companies, including the ascertainment of the minimum weight required to be loaded to entitle the shipper to carload rates and the amount of loss sustained by the shipper in the event of the destruction of stock in transit through the negligence of the carrier, at every point at which any railroad company maintains a stockyard and an agent, from which point an average of twenty-five carloads or more of stock were shipped during each of the four preceding years, it shall be the duty of such railroad to maintain or cause to be maintained after November 1, 1921, a suitable platform scale properly housed for the weighing of livestock: *Provided*, That, upon application made prior to said date, the railroad commission may by order extend the time for installing any such scale to a date not later than January 1, 1922. The capacity of such scale may be prescribed by the railroad commission upon the application of the railroad or of any person shipping livestock from such point during the preceding year: *Provided*, That upon notice of such character as the railroad commission may prescribe to each person who shipped livestock during the preceding year from any such point or points upon its line, any railroad may apply to the railroad commission for an order exempting such point or points from the operation of this section upon sufficient proof to satisfy it that the probable benefit to accrue to shippers in their dealings with the railroad company will not warrant the financial burden that would be imposed upon the railroad by the installation of such scales adequately housed at the point or points named in the application, and in its determination of such benefits or burdens the railroad commission shall not consider any benefits that might accrue to shippers in their dealings with other than the carriers concerned. It shall not be necessary for any railroad company to furnish an attendant of platform scales installed pursuant to the provisions hereof except where its local agent refuses to furnish a key thereof to a shipper of livestock upon seasonable demand therefor.

(*c*) The commission shall have power to make and enforce reasonable regulations for furnishing cars to shippers and for moving and switching the same, and for the loading and unloading thereof, and the weighing of cars and freight offered for shipment over any line of railroad, and to test the weights made by any railroad and scales used in weighing freight or cars.

Stats., 1921, ch. 98, as renumbered by Laws, 1923, ch. 152, p. 255.

Sec. 98.09 (a1913). Babcock milk and cream tests; samples; paying check.—1. In the use of the Babcock test, the standard milk measures or pipettes shall have a capacity of seventeen and six-tenths cubic centimeters, and the standard test tubes or bottles for milk shall have a capacity of two cubic centimeters for each ten per cent marked on the necks thereof; cream shall be tested by weight and

the standard unit for testing shall be eighteen grams, and it is hereby made a misdemeanor to use any other standards of milk or cream measure where milk or cream is purchased by or furnished to creameries or cheese factories and where the value of said milk or cream is determined by the per cent of butterfat contained in the same, or wherever the value of milk or cream is determined by the per cent of butterfat contained in the same by the Babcock test.

2. In sampling cream or milk from which composite tests are to be made to determine the per cent of butterfat contained therein, no such sample or sampling shall be lawful unless a sample be taken from each weighing and the quantity thus used shall be proportioned to the total weight of the cream or milk tested.

3. Every person, corporation or company operating a creamery when using the Babcock test as a standard and manufacturing butter to determine the value of any milk or cream received or bought by such person, corporation or company, shall, when paying for such milk or cream, include in every statement or check issued to any patron in payment thereof a statement of the number of pounds of butterfat and the number of pounds of butter made for the period of time for which payment is made.

Sec. 98.10 (a1915). Standardization of Babcock test pipettes; sealers not required to seal bottles or pipettes.—1. All bottles and pipettes used in measuring milk or milk products for making determination of the per cent of fat in said milk or milk products shall have clearly blown or otherwise permanently marked in the side of the bottle or pipette the word " Sealed," and in the side of the pipette or the side or bottom of the bottle the name, initials, or trade-mark of the manufacturer and his designating number, which designating number shall be different for each manufacturer and may be used in identifying bottles. The designating number shall be furnished by the State superintendent of weights and measures upon application by the manufacturer and upon the filing by the manufacturer of a bond in the sum of one thousand dollars with sureties to be approved by the attorney general, conditioned upon conformance with the requirements of this section. A record of the bonds furnished, the designating number, and to whom furnished, shall be kept in the office of the State superintendent of weights and measures.

2. Any manufacturer who sells Babcock milk, cream or butter test bottles or milk pipettes, to be used in this State, that do not comply with the provisions of this section shall suffer the penalty of five hundred dollars to be recovered by the attorney general in an action against the offender's bondsmen, to be brought in the name of the people of the State. Any dealer who uses, for the purpose of determining the per cent of milk fat in milk or milk products, any bottles or pipettes purchased after this law takes effect that do not comply with the provisions of this section relating thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days nor more than three months.

3. The State superintendent of weights and measures shall prescribe specifications with which the glassware mentioned in this section shall comply. The unit of graduation for all Babcock glass-

ware shall be the true cubic centimeter or the weight of one gram of distilled water at four degrees centigrade.

4. Sealers of weights and measures are not required to seal Babcock milk, cream or butter test bottles or milk pipettes marked as in this section provided, but they shall from time to time make tests of individual bottles used by the various firms in the territory over which they have jurisdiction in order to ascertain whether the above provisions are being complied with and they shall report immediately to the State superintendent of weights and measures violations found.

Sec. 98.11 (a1913). To underread or overread unlawful.—It shall be unlawful for any person, by himself, his servant or agent or as the servant or agent of another to falsely manipulate or underread or overread or make any false determination by the Babcock test or any other contrivance used for determining the quality or value of milk or cream delivered to a creamery, cheese factory, or condensed milk factory, or when sold or purchased.

Sec. 98.13, as amended by Laws, 1923, ch. 152, p. 255, sec. 201. Penalties.—(3) Every violation of any of the provisions of sections 98.09, 98.10 and 98.11 shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment of not less than thirty days nor more than sixty days.

Stats., 1921, Vol. I, ch. 76gg, p. 1162.

Sec. 1494c (a1921). Commercial fertilizer, net weight to be marked.—1. Every person who shall, in this State, sell or expose for sale any commercial feritlizer or any material used for fertilizing purposes, excepting agricultural lime and the dung of poultry and domestic animals in their natural condition selling for less than ten dollars per ton, shall affix to every package of such fertilizer or material in a conspicuous place on the outside thereof, a plainly printed statement clearly and truly certifying the number of net pounds therein, name or trade-mark under which the article is sold, name of the manufacturer or shipper, place of manufacture, place of business of the manufacturer * * *.

Sec. 1494–12. Commercial feeding stuff, net weight to be stated.—Every manufacturer, company or person who shall sell, offer or expose for sale or for distribution in this State any concentrated commercial feeding stuff used for feeding farm livestock, shall furnish with each car or other amount shipped in bulk and shall affix to every package of such feeding stuff in a conspicuous place on the outside thereof a plainly printed statement clearly and truly certifying the number of net pounds in the car or package sold or offered for sale, the name or trade-mark under which the article is sold, the name of the manufacturer or shipper, the place of manufacture, the place of business * * *.

Stats., 1921, Vol. I, ch. 84, p. 1381.

Sec. 1731 (a1919). Inspectors; term.—The governor shall appoint an inspector for each of said [four] lumber districts who shall be styled "Lumber inspector of district no. —" (designating the proper district); he shall at the time of his appointment be a citizen of this State and reside within the lumber district for which he is appointed. The term of office of each of the four inspectors first ap-

pointed shall expire on the first Monday in April, 1921, and thereafter the term of office of each inspector shall be two years and commence on the first Monday in April of the year of his appointment, but the incumbent shall hold until his successor is appointed and qualified.

Sec. 1732 (1864). Their duties, oath and bond.—Each lumber inspector shall, before entering upon the duties of his office, take and subscribe an oath that he will faithfully discharge the duties of his office to the best of his knowledge, judgment and ability and execute to the county in which his office shall be kept a bond, with three or more sureties, to be approved by the treasurer and county judge, in the sum of five thousand dollars, conditioned that he will faithfully perform his duties as lumber inspector of district (giving the number) and deliver to his successor in office all bills, papers, journals, books and other effects appertaining to his office. Such oath of office and bond shall be filed in the office of such county treasurer; and any person feeling himself aggrieved may commence an action in his own name on said bond in like manner as actions may be brought on other official bonds according to the provisions of chapter 44.

Sec. 1733 (a1919). Location of offices.—The inspectors of lumber district number one shall keep his office at Rhinelander; of district number two, at Ladysmith; of district number three, at Eau Claire; of district number four, at Stevens Point.

Sec. 1734 (a1869). Deputies; oaths.—Each such inspector may divide his district into such subdistricts as he may deem best and for each subdistrict, as well as for any specific purpose, may appoint one or more deputies, for whose conduct and fidelity in the discharge of his duties as such he shall be responsible upon his official bond; each of said lumber inspectors shall have power and authority to administer oaths to their several deputies or for any purpose relating to the duties of their office.

Sec. 1735 (1864). Effect of scale bills.—Each lumber inspector shall, in person or by a deputy, at the request of any owner of logs, timber or lumber, after a scalement or measurement thereof, make a bill, stating therein the number of logs, the number of feet, board measure, contained in such logs and lumber, and the number of feet, cubic, running or board measure, contained in said timber, and at whose request the same were scaled or measured and to whom scaled or measured, a copy of which bill he shall enter upon the books of his office, to be provided by him and kept for that purpose, with the marks as they occurred upon the logs. A correct bill of the same shall be given to such owner, with a certificate thereto attached that it is a true and correct bill, which bill so certified shall be presumptive evidence of the facts therein contained and of the correctness of such scalement or measurement in all courts, except in favor of the inspector or deputy inspector who made the same.

Sec. 1736 (a1866). Rules for measurement of lumber.—Each lumber inspector and his deputies shall, in surveying or measuring logs, make such allowance for hollow, rotten or crooked logs as would make them equal to good, sound, straight, merchantable logs; and all logs that are straight and sound are to be measured at their full size, inside the bark at the small end, and all logs over twenty-four feet long and not exceeding thirty-six feet, shall be scaled or measured as two logs, allowing such rise from the first to the second log as the

same may require or as may seem proper in the opinion of the inspector or his deputy. Each lumber inspector shall require of each of his deputies, at the end of each month, a correct account of all the logs, lumber or timber measured by him during the month next preceding, and he shall immediately enter such account upon the books of his office.

Sec. 1737 (a1913). Table showing standard scale; use of other.—The standard rule for scaling or measuring logs in the said districts shall be in accordance with the following table, showing in the first column the diameter of log at the small end in inches, at the head of each other column the length of log in feet, and in the body of such other columns the resultant contents of each log in board measure feet of lumber, to wit:

Diameter of log at small end in inches	Length of log and board measurement in feet						
	12	14	16	18	20	22	24
6	10	10	20	20	20	30	30
7	20	20	30	30	30	40	40
8	20	20	30	30	30	40	40
9	30	30	40	40	40	50	60
10	30	40	60	60	70	80	90
11	40	50	70	80	80	90	100
12	60	70	80	90	100	110	120
13	70	80	100	110	120	130	150
14	90	100	110	130	140	160	170
15	110	120	140	160	180	200	210
16	120	140	160	180	200	220	240
17	140	160	180	210	230	250	280
18	160	190	210	240	270	290	320
19	180	210	240	270	300	330	360
20	210	240	280	310	350	380	420
21	230	270	300	340	380	420	460
22	250	290	330	380	420	460	500
23	280	330	380	420	470	520	570
24	300	350	400	450	500	550	610
25	340	400	460	520	570	630	690
26	370	440	500	560	620	690	750
27	410	480	550	620	680	750	820
28	440	510	580	650	730	800	870
29	460	530	610	680	760	840	910
30	490	570	660	740	820	900	990
31	530	620	710	800	890	980	1,060
32	550	640	740	830	920	1,010	1,100
33	590	690	780	880	980	1,080	1,180
34	600	700	800	900	1,000	1,100	1,200
35	660	770	880	980	1,090	1,200	1,310
36	690	810	920	1,040	1,150	1,270	1,380
37	770	900	1,030	1,160	1,290	1,440	1,540
38	800	930	1,070	1,200	1,330	1,470	1,600
39	840	980	1,120	1,260	1,400	1,540	1,680
40	900	1,050	1,200	1,350	1,500	1,660	1,800
41	950	1,110	1,270	1,430	1,590	1,750	1,900
42	1,010	1,170	1,340	1,510	1,680	1,850	2,020
43	1,050	1,220	1,400	1,570	1,740	1,920	2,100
44	1,110	1,290	1,480	1,660	1,850	2,040	2,220
45	1,140	1,330	1,520	1,710	1,900	2,090	2,280
46	1,190	1,390	1,590	1,780	1,980	2,180	2,380
47	1,240	1,450	1,660	1,860	2,070	2,280	2,480
48	1,300	1,510	1,730	1,940	2,160	2,360	2,600

Other rules may be used at the request of the owner of logs; but in all such cases the bill of the inspector shall state by what rule the logs were scaled or measured.

Sec. 1741 (a1919). Fees of inspectors.—1. Each lumber inspector or deputy shall be entitled to receive eight dollars per day for time actually and necessarily spent in the performance of services as such lumber inspector or deputy and necessary traveling expenses incurred in the discharge of such services. In all cases such compensation and expenses shall be paid by the owner of the logs, timber or lumber scaled or measured.

2. For recording each mark or assignment thereof, fifty cents.

3. For recording any mortgage, bill of sale or other written instrument, the same fees allowed by law to registers of deeds for recording like instruments.

Stats., 1921, Vol. I, ch. 84a, p. 1385.

Sec. 1747–155 (1919). Supervisor of pulp wood scaling; appointment; term; duties; assistants.—1. The office of supervisor of pulp wood scaling is hereby created. Such supervisor shall be appointed by the governor, by and with the advice and consent of the senate, for a term of two years from the date of his appointment and until his successor qualifies. Said supervisor shall take and file the official oath, and execute and file his official bond in the sum of five thousand dollars, with sureties approved by the governor.

2. It shall be the duty of the said supervisor to have inspected and scaled all pulp wood when the same is bought in quantities equal to car lots or more in any one shipment. Whenever a car lot or more of pulp wood is delivered at any mill, or at any other place of delivery, the purchaser shall have the same scaled by an official scaler appointed by such supervisor. Such official scalers shall be selected from persons in the employ of the purchasers of pulp wood and shall be licensed by the supervisor, but shall receive no compensation for their services from the State. Said supervisor may revoke the license of any such scaler at any time. Every such official scaler shall make quadruplicate reports of the amount and condition of the pulp wood sold and delivered, transmit one such report to the supervisor, one to the purchaser, one to the seller, and preserve one for his own use. The person buying such pulp wood shall pay the supervisor ten cents for each car scaled, which sum the supervisor shall pay to the State treasurer. Said supervisor shall appoint two assistant scalers for not to exceed six months in any one year, whose duty it shall be to supervise the work performed by the official scalers, but such assistants shall receive not to exceed the sum of one hundred and fifty dollars per month salary, and their actual and necessary expenses incurred in the performance of their duties. Such supervisor shall as often as required by the governor, and at least once annually, file with the secretary of state a detailed sworn statement of all work performed by him, expenses incurred and fees collected under the provisions of this section. Such supervisor shall be paid an annual salary of twenty-five hundred dollars, and his actual and necessary expenses incurred in the performance of the duties of his office. He shall maintain his office at some convenient place in the pulp-wood district, and the same shall be provided with all necessary furniture, supplies and stationery by the superintendent of public property.

3. All moneys received by such supervisor for the scaling of pulp wood shall be paid, within one week after receipt, into the general fund.

Stats., 1921, Vol. II, ch. 182, p. 2220.

Sec. 4453a (1885). Fraud in scaling logs.—Any lumber or deputy lumber inspector or any other person employed to scale logs who shall purposely over or under scale or measure the same, or knowingly report a greater or less amount than the true scale thereof, or make any record of a greater or less amount of logs than he has actually scaled, or who shall omit or neglect to scale any logs he is lawfully called upon to scale, for the purpose of defrauding another, and any person who shall procure the performance of any such act, or cause such omission or neglect, or knowingly and willingly be interested therein or profit thereby, shall be punished by imprisonment in the State prison for not more than five years nor less than one year, or in the county jail for not more than one year nor less than six months, or by fine of not more than five thousand dollars nor less than one hundred dollars. Any person who shall make any certificate of scalement which scalement he did not personally make shall be punished by imprisonment in the county jail not more than six months nor less than one month, or by fine of not more than five hundred dollars nor less than one hundred dollars.

WYOMING

Laws, 1921, ch. 73, p. 74.

Sec. 1. Standards.—The standards of weights and measures in this State shall be those recognized or furnished by the United States.

Sec. 2. Verification of standards.—In addition to the State standards of weights and measures, there shall be supplied by the State such other weights, measures and apparatus as may be found necessary to carry out the provisions of this act, to be known as working standards. Such weights, measures and apparatus shall be verified by the State superintendent of weights and measures, or his authorized assistants, at his direction, upon their initial receipt and at least once in each year thereafter, by comparison with the State standards. When found accurate upon these tests the working standards shall be sealed by stamping on them the letter "W" and the date with seals which the State superintendent of weights and measures shall have and keep for that purpose. The State standards shall be used in making all comparisons of weights, measures, and weighing or measuring devices submitted for test in the office of the State superintendent of weights and measures.

Sec. 3. Superintendent of weights and measures.—The dairy, food and oil commissioner [1] shall be ex officio State superintendent of weights and measures. He shall take charge of the standards adopted by this act as the standards of the State, and cause them to be kept in a safe and suitable place, from which they shall not be removed except for repairs or for certification and he shall take all other necessary precautions for their safe keeping. He shall maintain the State standards in good order and shall submit them at least once in ten years to the National Bureau of Standards for certification. He shall keep a complete record of the standards, balances, and other apparatus belonging to the State and take receipt for same from his successor in office. He shall annually, on the last day of September, make to the governor a report of all work done by his office.

Sec. 4. Duties of superintendent.—The State superintendent of weights and measures shall have and keep a general supervision of the weights, measures, and weighing and measuring devices, offered for sale, sold, or in use in the State. When not otherwise provided by law the State superintendent of weights and measures shall have the power, and it shall be his duty to inspect, test, try, and ascertain if they are correct, all weights, measures, and weighing and measuring devices kept, offered or exposed for sale, sold, or used or employed by any proprietor, agent lessee, or employee in proving the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted by such person or persons for sale, hire, or

[1] Duties transferred to commissioner of agriculture. See p. 926.

award, and he shall have the power to and shall from time to time weigh or measure and inspect packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered or exposed for sale, or sold or in the process of delivery in order to determine whether the same contain the amounts represented, and whether they be offered for sale or sold in a manner in accordance with law. He shall as often as he may deem necessary see that all weights, measures, weighing or measuring devices used are correct. He may for the purpose above mentioned, and in the general performance of his official duties, enter or go into or upon, and without formal warrant, any stand, place, building, or premises, or stop any vendor, peddler, junk dealer, coal wagon, ice wagon, delivery wagon, or any dealer whatsoever, and require him, if necessary, to proceed to some place which the State superintendent of weights and measures may specify, for the purpose of making the proper tests. Whenever the State superintendent of weights and measures finds a violation of the statutes relating to weights and measures, he shall cause the violator to be prosecuted.

Sec. 5. Sealing of weights and measures.—Whenever the State superintendent of weights and measures compares weights, measures, or weighing or measuring devices and finds that they correspond or cause them to correspond with the standards in his possession, he shall seal or mark such weights, measures, or weighing or measuring devices with appropriate devices.

Sec. 6. Condemnation and destruction of incorrect weights and measures.—The State superintendent of weights and measures shall condemn and seize and may destroy incorrect weights, measures, or weighing or measuring devices which in his best judgment, are not susceptible of satisfactory repair; but such as are incorrect and yet may be repaired, he shall mark or tag as "Condemned for repairs." The owners or users of any weights, measures, or weighing or measuring devices of which such disposition is made, shall have the same repaired or corrected within ten days, and they may neither use nor dispose of the same in any way, but shall hold the same at the disposal of the State superintendent of weights and measures. Any weights, measures, or weighing or measuring devices which have been "condemned for repairs" and have not been repaired as required above, shall be confiscated by the State superintendent of weights and measures.

Sec. 7. Police powers.—The State superintendent of weights and measures, and his authorized assistants, are hereby made special policemen, and are authorized and empowered to arrest, without formal warrant, any violator of the statutes in relation to weights and measures, and to seize for use as evidence, without formal warrant, any false or unsealed weight, measure, or weighing or measuring device or package, or amounts of commodities found to be used, retained, or offered or exposed for sale or sold in violation of law.

Sec. 8. Interference with superintendent; penalty.—Any person who shall hinder or obstruct in any way the State superintendent of weights and measures, or his authorized assistants, in the performance of their official duties shall be guilty of a misdemeanor and upon conviction thereof in any court of competent jurisdiction shall be punished by a fine of not less than twenty dollars ($20.00) or more

than one hundred dollars ($100.00) or by imprisonment in the county jail for not more than three months or by both such fine and imprisonment.

Sec. 9. Impersonation of superintendent; penalty.—Any person who shall impersonate in any way the State superintendent of weights and measures, or his authorized assistants, by the use of his seal or the counterfeit of his seal, or otherwise, shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or by imprisonment for not more than one (1) year or by both such fine and imprisonment.

Sec. 10. Sale by net weight.—Whenever any commodity is sold on a basis of weight, it shall be unlawful to employ any other weight in such sale than the net weight of the commodity; and all contracts concerning goods sold on a basis or [of] weight shall be understood and construed accordingly. Whenever the weight of a commodity is mentioned in this act it shall be understood and construed to mean the net weight of the commodity.

Sec. 11. Standard weights per bushel; measurement of hay.—All commodities hereinafter named in this section shall be sold either by the bushel or by weight, and when sold by the bushel, the bushel shall consist of the number of pounds hereinafter stated; and whenever such commodities are hereinafter named are sold in the subdivisions of the bushel, the number of pounds in such subdivision of the bushel shall consist of the fractional part of the number of pounds as hereinafter set forth for the bushel, namely:

	Pounds per bushel		Pounds per bushel
Barley	48	Onions	57
Beans	60	Parsnips	50
Beets	56	Peaches	48
Carrots	50	Potatoes	60
Castor beans	46	Rice corn	56
Corn, shelled	56	Rye	56
Flaxseed	56	Speltz or emmer	45
Green apples	48	Sweet potatoes	50
Indian corn, in the ear	70	Tomatoes	56
Kaffir corn	56	Turnips	55
Oats	32	Wheat	60

Unless otherwise agreed to between the contracting parties, the following shall constitute the legal measurement for hay in stack in the State of Wyoming: Four hundred and twenty-two (422) cubic feet shall constitute a ton of clean, native, blue joint hay, after thirty (30) days up to three (3) months' settlement in stack. As to all other kinds of hay, after the same shall have been settled in stack from sixty (60) days and up, five hundred and twelve (512) cubic feet shall constitute a ton of alfalfa or rough slough grass, after the same shall have been in the stack thirty (30) days and up to one (1) year. Four hundred and fifty (450) cubic feet shall constitute a ton of clean timothy and clover, after the same shall have been in the stack thirty (30) days, and up to one (1) year. Making measurements of hay in stack, the following is hereby made the legal method of measurement, to wit: The width and length of the stack shall be measured, and the distance from the ground against one side of the stack to the ground against the other side of the stack, di-

rectly over and opposite, shall be taken in linear feet and inches, and then the width shall be subtracted from the measurement over the stack, as above indicated, the result divided by two, and the result so obtained multiplied by the width, and the result thus obtained multiplied by the length, which will give the number of cubic feet contained in the stack, and the tonnage shall thereupon be determined by dividing the total number of cubic feet by the number of cubic feet allowed under the provisions of this section for a ton.

Sec. 12. Appointment of weighmasters.—It shall be the duty of the county commissioners to see that every city and town in their county containing two thousand or more inhabitants, is provided with public scales for the weighing of coal, hay and other merchandise sold by weight, and that every city and town council in the respective counties shall appoint a city or town weighmaster, whose services shall be paid for by the city or town appointing such weighmaster. It shall be the duty of every vendor of coal, hay and other merchandise sold in bulk, and of the agents and employees of such vendor, to cause such coal, hay and other merchandise to be weighed and a statement of such weight to be delivered to the purchaser with the article so weighed. Where such coal, hay or other merchandise is weighed on a public or city scale, the weighmaster shall charge for every such certificate of weight a fee of ten cents, which shall be paid by the vendor or producer, and shall by said weighmaster be turned into the treasury of the city or town by which he was appointed. Any person failing to comply with this requirement for weighing coal, hay or other merchandise, or failing to deliver the certificate of weight as aforesaid, shall on conviction be punished by a fine of not less than ten dollars nor more than one hundred dollars for each offense.

Sec. 13. Rules and regulations by superintendent.—The State superintendent of weights and measures shall establish uniform tolerances or reasonable variations to take care of unavoidable shrinkage, and of scale variations in handling and weighing of any of the articles mentioned in this act, and shall adopt such rules and regulations as he may deem necessary to carry out the provisions of this chapter, and he may change, modify, or amend any or all rules and regulations whenever deemed necessary, and the rules and regulations so made shall have the force and effect of law.

Sec. 14. Violation; penalty.—Any person, who by himself or his servant or agent, or as the servant or agent of another person shall offer or expose for sale, sell, use in the buying or selling of any commodity or thing or for hire or award, or retain in his possession a false weight or measure or weighing or measuring device, or any weight or measure or weighing or measuring device which has not been sealed by the State superintendent of weights and measures, or his authorized assistants, at his direction; or shall sell or offer or expose for sale less than the quantity he represents, when as the buyer, he furnishes the weight, measure, or weighing or measuring device by means of which the amount of commodity is determined, or who shall keep for the purpose of sale, offer or expose for sale, or sell any commodity in a manner contrary to law; or who shall violate any provision of this act for which a specific penalty has not been provided, or who shall sell or offer for sale, or use or have in his possession for purpose of selling or using

any devise [device] or instrument to be used to or calculated to falsify any weight or measure or any weighing or measuring device; shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty dollars ($20.00) or more than two hundred dollars ($200.00), or by imprisonment for not more than three (3) months, or by such fine and imprisonment, upon a first conviction in any court of competent jurisdiction; and upon a second or subsequent conviction in any court of competent jurisdiction, he shall be punished by a fine of not less than fifty dollars ($50.00) or more than five hundred ($500), or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Sec. 15. Definition of terms.—The word " person " as used in this act, shall be construed to import both the singular and plural, as the case demands, and shall include corporations, companies, societies and associations.

The words " weights, measures or (and) weighing or (and) measuring devices " as used in this act shall be construed to include all weights, scales, beams, measures of every kind, instruments and mechanical devices for weighing or measuring, and any appliances and accessories connected with any or all such instruments.

The word " sell " or " sale " as used in this act shall be construed to include barter and exchange.

Sec. 16. Repeal.—Chapter 249, of the Wyoming Compiled Statutes, 1920, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Laws, 1923, ch. 100, p. 184.

Sec. 1. Establishment of department; commissioner.—A State department of agriculture is hereby created and established under the management and control of a board of agriculture acting through a public officer to be known as the State commissioner of agriculture, to be appointed by the board.

Sec. 16. Food and oil department discontinued.—From and after April 1st, 1923, or as soon thereafter as the State department of agriculture may be organized for business, the office of dairy, food and oil commissioners shall be abolished and the tenure of all employes of said office is hereby terminated. All powers now vested in the dairy, food and oil commissioner and all duties and privileges now imposed and conferred upon him by and under the existing laws, are hereby transferred to and imposed and conferred upon the commissioner of agriculture, to be exercised by him through such chief of division, deputy, assistant or other agency as he may determine with the approval of the board of agriculture. * * *

Comp. Stats., 1920, ch. 126, p. 391.

Sec. 1781 (1895). Cities of first class.—All cities having more than four thousand inhabitants shall be governed by the provisions of this chapter, and be known as cities of the first class.

Sec. 1860 (1909). Power to regulate weights and measures.—They [cities of the first class] shall have power to purchase and own grounds for and to erect and establish and regulate markets and scales; * * * to establish and regulate standard weights and measures; to regulate the weighing and measuring of every com-

modity sold in the city; to provide for the inspection and weighing of hay, grain and coal, the measuring of wood and fuel to be used in the city; and to determine the place or places of the same, and to regulate and prescribe the place or places of exposing for sale, hay, coal and wood, and to fix the fees and duties of persons authorized to perform such duties.

Comp. Stats., 1920, ch. 459, p. 1279.

Sec. 7298 (1884). Giving false weights in merchandise.—Every person who, in putting up in any bag, bale, box, barrel or other package, any hops, cotton, wool, grain, hay or other goods usually sold in bags, bales, boxes, barrels or other packages by weight, puts in or conceals therein anything whatever for the purpose of increasing the weight of such bag, bale, box, barrel or package, and thereby defrauding the purchaser, shall be fined not more than one hundred dollars.

Sec. 7311 (1876). Using false weights.—If any person shall knowingly have, keep, or use any false or fraudulent scales or weights for weighing gold or gold dust, or any other article or commodity, every person so offending shall be fined not more than five hundred dollars, or imprisoned in the county jail not more than six months.

Sec. 7314 (1895). Selling by false weights.—If any person shall knowingly sell by false weights or measures, or shall knowingly use false weights or measures at any threshing machine, or at any mill, in taking toll for grinding or threshing corn, wheat, rye or other grain and seeds, he shall be deemed a common cheat and shall be fined not more than one hundred dollars, and shall be imprisoned in the county jail not more than six months.

Comp. Stats., 1920, ch. 65, p. 211.

Sec. 862 (1890–91). Legal standard water measurement.—A cubic foot of water per second of time shall be the legal standard for the measurement of water in this State, both for the purpose of determining the flow of water in natural streams, and for the purpose of distributing water therefrom.

Comp. Stats., 1920, ch. 282, p. 832.

Sec. 4535 (1884). Legal standard time.—The mean local time of the one hundred and fifth meridian west of Greenwich is and the same is hereby adopted and declared to be the legal standard time for all points in the State of Wyoming, and computations of legal time shall be made thereby, using such standard time as a basis.

Comp. Stats., 1920, ch. 231, p. 715.

Sec. 3731 (a1915). Misbranded food; net weight to be marked.—That the term "misbranded," as used herein, shall apply to all drugs or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device, regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory or country in which it is manufactured or produced.

That for the purpose of this act an article shall also be deemed to be misbranded: * * *

In case of food: * * *

Third. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count: *Provided, however*, That reasonable variations shall be permitted and also exemptions as to small packages may be established by rules and regulations made in accordance with section 3741.

Sec. 3732 (a1913). Samples; disposition of; misbranded unless net weight is shown.—Under the aforesaid rules and regulations, representative samples shall be collected by the State dairy, food and oil commissioner, or his deputies. Samples may be purchased in the open market, and, if in bulk, the marks, brands, or tags upon the package, carton, wrapper or other container, and the accompanying written or printed matter shall be noted. * * * For the purpose of this chapter all samples which do not show the net weight properly marked on top of the box, package, or on the face of the principal label, may be disapproved by the State dairy, food and oil commissioner without further test and the absence of the net weight properly labeled shall be prima facie evidence that they are misbranded and need not be sent to the State chemist for examination, but may be certified to the county attorney directly by the State dairy, food and oil commissioner without the certificate of the State chemist.

Sec. 3741 (1913). Rules and regulations.—The State dairy, food and oil commissioner, in executing the provisions of all laws which come under his jurisdiction shall accept such of the rules and regulations of the United States Department of Agriculture as he may deem necessary and adopt the standards of purity for foods as laid down by the United States Department of Agriculture, also make, promulgate and enforce such other rules and regulations as may seem necessary and proper to a prompt and effective enforcement of the laws.

Comp. Stats., 1920, ch. 234, p. 722.

Sec. 3759 (1917). Label to contain statement.—Every lot or parcel of commercial feeding stuffs sold, offered or exposed for sale or distributed within this State shall have affixed thereto a tag or label, in a conspicuous place on the outside thereof, containing a legible and plainly printed statement in the English language, clearly and truly certifying:

(*a*) The net weight of the contents of the package, lot or parcel;

(*b*) The name, brand or trade-mark;

(*c*) The name and principal address of the manufacturer or person responsible for placing the commodity on the market; * * *

Comp. Stats., 1920, ch. 269, p. 814.

Sec. 4448 (1890–91). State inspector to adjust scales and measures.—* * * The State inspector is hereby made the legal adjuster of all weigh scales, measures or other mechanical machine by which the miners' coal is weighed or measured, and shall balance and adjust said scales or measures at any time he may consider it necessary in his official visits to the mines.

Comp. Stats., 1920, ch. 273, p. 825.

Sec. 4489 (1911). Regulating the weighing of coal.—It shall be unlawful for any mine owner, lessee, operator, agent or company in this State, employing miners at bushel or ton rates, or other quantities, in mining coal, to pass the output of coal mined by said miners over any screen or any device which shall take any part of the marketable coal from the amount thereof, before the same shall have been weighed and duly credited to the employes sending the same to the surface, unless otherwise agreed upon between miners and their employers. In case of any agreement where coal is credited to miners after having been screened and weighed, said miners or employes shall receive compensation for all marketable or saleable coal sent by them to the surface, and accounted for at the customary rate of weights: *Provided*, That this section shall also apply to the class of workers in mines known as loaders engaged in mines where mining is done by machinery whenever the workers are under contract to load coal by the bushel, ton or quantity.

Sec. 4491. Checkweighman.—The miners employed by or engaged in working for any mine owner, lessee, operator, agent or company in this State shall have the privilege, if they so desire, of employing at their own expense a checkweighman, who shall have like rights and privileges in the weighing of coal as the regular weighman and be subject to the same oath and penalties as the regular weighman.

Sec. 4492 (a1919).—The owner, lessee, operator, agent or company operating any coal mine in this State, at which miners are paid by weight, shall provide suitable and accurate scales of standard manufacture for weighing of coal which may be procured from such mines; such owner, lessee, operator, agent or company shall be required to keep United States standard weights to test said scales. At every mine where the coal miner is paid for by weight it shall be the duty of the weighman and the checkweighman to examine and balance the scales each morning, and in no case shall any coal be weighed until such scales are tested by the United States standard weights and found correct: *Provided*, That if the weighman and checkweighman shall disagree, work may continue until the inspector of mines can be present, and any erroneous weights made during such time shall be rectified. When differences shall arise between the weighman and the checkweighman, or operator, of any mine, as to the correctness of the scales, the same shall be referred to the inspector of mines whose duty it shall be to see and regulate the same at once. The mine inspector of the district upon each regular visit to each mine, shall test the scales used for the weighing of coal; if for any reason, he believes the scales to be inaccurate he shall call in the county assessor, as county sealer of weights and measures, and they shall proceed to test out the scales according to United States standards; if any inaccuracies are discovered they shall direct the scales to be properly repaired or adjusted until they register approximately correct weights. Any failure on the part of the mine inspector, and county assessor when called on to perform these duties shall constitute a refusal to perform the duties of their office and upon failure to do so they shall be reported to the governor of the State in writing. The inspector of mines upon each regular visit to each mine shall test the scales used for the weighing of coal.

Miners employed in the mine and others personally interested shall at all proper times have full right of access to and examination of scales or apparatus used for weighing coal in or about said mine: *Provided*, *however*, The provisions of this chapter shall not apply to mines classed as prospects, but only to those having regular output.

Sec. 4493 (1911). Fraudulent weighing; penalty.—Any person or persons having or using any scale or scales for the purpose of weighing the output of coal at mines so arranged or constructed that fraudulent weighing may be done thereby, or who shall knowingly resort to or employ any means whatever by reason of which such coal is not correctly weighed and reported in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor and shall upon conviction for each offense be punished by a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment in the county jail for a period not to exceed sixty days, or by both such fine and imprisonment.

Sec. 4494. Loaders included.—The provisions of this chapter shall also apply to the class of workers in mines known as loaders, engaged in mines wherein mining is done by machinery. Whenever the workmen are under contract to load coal by the bushel, ton, or any quantity, the settlement of which is by weight, the output shall be weighed in accordance with the provisions of this chapter.

APPENDIX

LEGAL WEIGHTS PER BUSHEL OF COMMODITIES

[REPRINTED (WITH SLIGHT REVISION) FROM CIRCULAR NO. 10 (FOURTH EDITION) OF THE BUREAU OF STANDARDS]

COMMODITIES FOR WHICH BUSHEL WEIGHTS HAVE BEEN ESTABLISHED IN NOT MORE THAN FOUR STATES

BEANS, LIMA, in pod, 34 pounds (Connecticut).
BEANS, VELVET, shelled, 60 pounds (Alabama).
BEGGARWEED SEED, 62 pounds (Florida).
BLACKBERRIES, dried, 28 pounds (Alabama, North Carolina, South Carolina, and Tennessee).
BLACK MEDIC (cleaned), 56 pounds (Alabama).
BLUEBERRIES, 42 pounds (Maine).
BUTTERNUTS, dried, 28 pounds (Vermont).
CANE SEED, 50 pounds (Kansas and South Carolina).
CANTALOUPE MELON, 50 pounds (North Carolina, South Carolina, and Tennessee).
CHUFAS, 54 pounds (Florida).
COWPEAS, 60 pounds (Indiana, Maryland, and Virginia).
CULM, 80 pounds (Maryland).
FEED, 50 pounds (Maine).
FETERITA, 56 pounds (Kansas).
GRASS SEED:[1]
All meadow and fescue except tall, 14 pounds (North Carolina).
Bermuda, 40 pounds (New Mexico and Oklahoma); 14 pounds (North Carolina).
Carpet, 25 pounds (Alabama).
Clover, bur, 10 pounds (Alabama).
Italian rye, 20 pounds (Alabama, North Carolina, South Carolina, and Tennessee).
Johnson, 28 pounds (Arkansas); 25 pounds (Alabama and North Carolina).
Perennial rye, 14 pounds (North Carolina).
Rye, 22 pounds (Nebraska).
Sudan, 40 pounds (Kansas); No. 1, 32 pounds, No. 2, 30 pounds, No. 3, 28 pounds (Texas).
Tall meadow and tall fescue, 24 pounds (North Carolina).
Velvet, 7 pounds (Alabama, North Carolina, South Carolina, and Tennessee).
GUAVAS, 54 pounds (Florida).
INDIA WHEAT, 46 pounds (Vermont). (This is a species of buckwheat.)
LAND PLASTER, 100 pounds (Alabama, North Carolina, South Carolina, and Tennessee).
LENTILS, 60 pounds (Pennsylvania).
MANGELWURZEL, 60 pounds (Connecticut and Maine).
MEAL, except oatmeal, 50 pounds (Maine).
MELILOTUS SEED (cleaned), 60 pounds (Alabama).
MIDDLINGS, coarse, 30 pounds (Indiana).
MILO MAIZE, 56 pounds (Kansas); 50 pounds (Texas).
MUSTARD SEED, 58 pounds (North Carolina).
PARSLEY, 8 pounds (Connecticut, Maine, New Hampshire, and Vermont).
PASPALUM (Alabama). (The weight has been omitted in the law.)
PEACH SEED, 50 pounds (North Carolina).
PEAS, black-eye and other cowpeas, 60 pounds (Virginia).
PEPPERS, 24 pounds (Connecticut).
PIEPLANT (see under rhubarb in following table).
RADISH SEED, 50 pounds (Iowa and South Dakota).
ROOT CROPS (not otherwise specified), 50 pounds (Iowa, Nebraska, and South Dakota).
SAGE, 4 pounds (Alabama, North Carolina, South Carolina, and Tennessee).
SALADS (mustard, spinach, kale, and turnips), 10 pounds (North Carolina); 12 pounds (South Carolina); and 30 pounds (Alabama and Tennessee).
SUNFLOWER SEED, 24 pounds (North Carolina).
TEOSINTE, 59 pounds (North Carolina).

[1] Other kinds of grass seed than those given here will be found under their specific names on pp. 934 to 941.

Commodities for which bushel weights have been established in more than four States

	Alfalfa seed	Apples		Apple seeds	Barley	Beans									Beet greens	Beets
		Apples [1]	Dried			Beans [1]	Castor	Green (unshelled)	Green or string	Lima	Miscellaneous varieties	Scarlet or white runner pole	Shell	Soy		
Federal Statutes	----	[2] 50	----	----	48	----	----	----	----	----	----	----	----	----	----	----
Alabama	60	[3] 50	24	40	48	60	46	30	----	----	----	----	----	----	----	50
Arizona	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Arkansas	----	[3] 50	24	----	48	[4] 60	----	----	----	----	----	----	----	----	----	----
California	----	----	----	----	50	----	----	----	----	----	----	----	----	----	----	----
Colorado	----	----	----	----	48	60	----	----	----	----	----	----	----	----	----	----
Connecticut	----	48	25	----	48	60	----	----	24	----	----	----	----	----	12	[5] 60
Delaware	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
District of Columbia	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Florida	----	[3] 48	24	----	48	[6] 60	[6] 48	----	----	----	[7] 78	----	----	----	----	----
Georgia	----	----	24	----	47	[4] 60	----	----	----	----	----	----	----	----	----	----
Hawaii	----	----	----	----	48	----	----	----	----	----	----	----	----	----	----	----
Idaho	60	[3] 48	24	----	48	60	46	----	----	----	----	----	----	----	----	56
Illinois	60	[3] 47	24	----	48	[4] 60	46	----	24	----	[8] 24	----	----	----	----	60
Indiana	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Iowa	60	48	24	----	48	[9] 60	[6] 50	56	----	56	----	----	----	----	----	56
Kansas	60	48	24	----	48	60	46	38	----	----	----	----	----	----	----	56
Kentucky	----	----	24	----	47	[4] 60	45	----	----	----	----	----	----	----	----	----
Louisiana	----	----	----	----	32	----	----	----	----	----	----	----	----	----	----	----
Maine	60	44	25	----	48	60	----	----	24	56	[10] 47	50	28	58	12	[11] 60
Maryland	60	[3] 50	28	----	48	[9] 60	[12] 50	----	----	----	----	----	----	----	----	----
Massachusetts	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Michigan	----	48	22	----	48	60	46	----	----	----	----	----	----	----	----	56
Minnesota	60	[3] 50	28	----	48	60	----	----	----	56	[10] 47	50	----	----	----	50
Mississippi	----	----	26	----	48	[4] 60	46	----	----	----	----	----	----	----	----	----
Missouri	----	48	24	----	48	60	46	56	----	----	----	----	----	----	----	----
Montana	----	45	----	----	48	60	----	----	----	----	----	----	----	----	----	50
Nebraska	60	[3] 48	24	----	48	[9] 60	[6] 50	56	----	56	----	----	----	----	----	56
Nevada	60	[3] 48	24	----	48	60	46	----	----	----	----	----	----	----	----	56
New Hampshire	----	48	25	----	48	[4] 60	----	----	24	----	----	----	----	58	12	60
New Jersey	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
New Mexico	60	45	24	----	48	60	46	----	----	----	----	----	----	----	----	56
New York	----	----	25	----	48	60	----	----	----	----	----	----	----	----	----	----
North Carolina	60	----	24	40	48	[9] 60	46	----	----	----	----	----	----	60	----	50
North Dakota	60	50	28	----	48	60	----	----	----	55	[10] 47	[13] 50	----	----	----	60
Ohio	----	48	24	----	48	60	----	----	----	----	----	----	----	----	----	56
Oklahoma	60	48	24	----	48	60	46	----	----	----	----	----	----	----	----	60
Oregon	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Pennsylvania	60	45	25	----	48	[9] 60	[6] 46	----	----	----	----	----	----	----	----	56
Rhode Island	----	48	25	40	48	60	46	----	----	----	----	----	----	----	----	50
South Carolina	----	[3] 50	24	40	48	[9] 60	46	30	----	----	----	----	----	----	----	50
South Dakota	60	48	24	----	48	[9] 60	[6] 50	50	----	[9] 56	----	----	----	----	----	56
Tennessee	----	[3] 50	24	40	48	[9] 60	46	30	----	----	----	----	----	----	----	50
Texas	60	[3] 50	28	----	48	[4] 60	46	----	24	----	[8] 24	----	----	----	----	60
Utah	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Vermont	60	48	25	----	48	60	----	28	24	----	----	----	----	58	12	60
Virginia	60	45	28	----	48	[14] 60	46	----	----	----	----	----	----	[14] 60	----	----
Washington	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
West Virginia	60	[3] 48	24	40	48	[15] 60	46	38	24	56	----	[16] 50	----	58	----	56
Wisconsin	60	44	25	----	48	60	46	----	----	56	----	----	----	----	----	50
Wyoming	----	[3] 48	----	----	48	60	46	----	----	----	----	----	----	----	----	56

[1] Not defined, except as noted.
[2] Green or ripe.
[3] Green apples.
[4] White.
[5] Mangelwurzel; beets, table size, 50 pounds.
[6] Shelled.
[7] Velvet in hull.
[8] Wax.
[9] Dry or dried.
[10] Windsor (broad).
[11] Also sugar, turnip, and mangelwurzel.
[12] Called "castor beans or seed" in the law.
[13] White runner pole only.
[14] Navy and soja.
[15] Dried, shell.
[16] Scarlet runner pole only.

Commodities for which bushel weights have been established in more than four States—Continued

	Blackberries	Blue-grass seed	Blue-grass seed (English)	Bran	Bromus Inermus	Broom-corn seed	Buckwheat	Cabbage	Canary seed	Carrots	Cement	Charcoal	Cherries	Chestnuts
Federal Statutes														
Alabama	48	14		20		42	50	50	60	50	80	22	[1] 56	50
Arizona														
Arkansas		14		20		48	52							
California							40							
Colorado		14					52							
Connecticut				20			48			50		[2] 20		
Delaware												[2] 20		
District of Columbia														
Florida				20										
Georgia		14		[3] 20			52							
Hawaii														
Idaho		[4] 14	22	20			50			50				
Illinois		14		20		48	52			50		20		
Indiana														
Iowa		14		20	14	50	48			50		20	40	
Kansas		[4] 14	22			30	48			50			[1] 56	
Kentucky		14	14	20			56							
Louisiana														
Maine	40			20			48			50				
Maryland		14		20			48			50				
Massachusetts														
Michigan		14					48			50				
Minnesota		14				57	50			45				50
Mississippi		14		20			48							
Missouri		14		20			52			50				
Montana		14		20			52			50				
Nebraska		18		20	14	50	50			50		20	40	
Nevada		14	22	20			50			50				
New Hampshire				20			48			50				
New Jersey														
New Mexico		14		20			52			50	80	20		
New York				20			48			50				
North Carolina	48	14		20		44	50	50	60	50	80	22	[1] 56	50
North Dakota		14		20	14	30	42			45				50
Ohio						45	50			50				
Oklahoma		14		20		48	52			50				
Oregon														
Pennsylvania		14		20		50	48	50		50	100	20	[1] 56	[5] 50
Rhode Island				20			48			50		20		
South Carolina	48	14		20		42	50	50	60	50	80	22	[1] 56	50
South Dakota		14			14	50	48			50				
Tennessee	48	14		20		42	50	50	60	50	80	22	[1] 56	50
Texas		14		20		48	52			50		22		
Utah														
Vermont							48			50		20		50
Virginia		14		20			48			50				57
Washington														
West Virginia	48	14	22	20		57	48	50	60	50	100	20	[1] 56	50
Wisconsin		14		20			50			50				
Wyoming										50				

[1] With stems; without stems, 64 pounds.
[2] Commercially dry.
[3] Wheat bran.
[4] Native.
[5] Hulled.

Commodities for which bushel weights have been established in more than four States—Continued

	Clover seed	Coal					Coke	Corn, including Indian corn or maize							
		Coal [1]	Anthracite	Bituminous	Mineral	Stone		Cracked	In the ear	In the ear, unhusked	Popcorn (in ear)	Popcorn (shelled)	Rice corn	Shelled	Sweet
Federal Statutes								56						[2] 56	
Alabama	[3] 60					80	40		70	[4] 75	70	56		56	
Arizona															
Arkansas	60								[5] 70	74				56	
California														[2] 52	
Colorado	60				80				70					[2] 56	
Connecticut	60		80											[2] 56	
Delaware														[2] 56	
District of Columbia															
Florida										70				56	
Georgia	60					80			70					56	
Hawaii														[2] 56	
Idaho	60								70				56	56	
Illinois	[6] 60	80					40		70		70	56		56	
Indiana															
Iowa	60	80					40		[7] 70	[7] 75	70	56		[7] 56	50
Kansas	60								[5] 70		70			56	
Kentucky	60		[8] 76	[8] 76		[8] 76			[9] 70	75				56	
Louisiana														[2] 56	
Maine	60							50						[2] 56	
Maryland	[10] 60	80							70					56	
Massachusetts															
Michigan	60		80	60					70					56	
Minnesota	60								70					56	48
Mississippi	60					80			72					56	
Missouri	60				80				70					56	
Montana	60				76				70					56	
Nebraska	60	80					40		[11] 70	[7] 75	70	56		[7] 56	50
Nevada	60								70				56	56	
New Hampshire	60							50						[2] 56	
New Jersey															
New Mexico	60				80		40		70	72	70	56		56	
New York	60													[2] 56	
North Carolina	[12] 60					80	40		[5] 70	74	[13] 70			56	
North Dakota	60					80			70					56	48
Ohio	60	[14] 70		80			40		68		42			56	[15] 45
Oklahoma	[10] 60				80				70	72				56	
Oregon															
Pennsylvania	60		75	76		80	40		[5] 70					56	
Rhode Island	60	80					40		70					56	
South Carolina	[3] 60					80	40		[5] 70	[4] 74		56		56	
South Dakota	60								70		70	56		56	50
Tennessee	[3] 60					80	40		[7] 70	[4] 74	[13] 70			56	
Texas	[6] 60		80			80	40		[16]		70	56		56	
Utah															
Vermont	60								[5] 70	72		[2] 56		56	
Virginia	60		80						70					56	
Washington															
West Virginia	60	80					40	50	[17] 68				[18] 56	56	50
Wisconsin	[10] 60													[2] 56	
Wyoming									70				56	56	

[1] Not defined, except as noted.
[2] Not stated whether shelled or unshelled, but presumed from the weight shown to be shelled.
[3] Red and white.
[4] Corn, green, with shucks, 100 pounds per bushel.
[5] Husked.
[6] Clover seed, sweet, unhulled, 33 pounds, Illinois; 23 pounds, Texas.
[7] Field corn.
[8] "Stone coal"; the term includes anthracite, cannel, bituminous, and other mined coal.
[9] Corn in the ear, in Kentucky, 70 pounds from Nov. 1 to May 1 following, and from May 1 to Nov. 1 following, 68 pounds; in Mississippi, in connection with public local grain warehouses, "not exceeding 80 pounds" during the months of October and November only.
[10] Also alsike (or Swedish), 60 pounds.
[11] Field corn, husked.
[12] Red and white; clover burr (for seed in the burr), 8 pounds; German clover (also more commonly known as crimson clover), 60 pounds; Japan, lespedeza in hulls, 25 pounds in North Carolina; 60 pounds for red and white clover seed and also for crimson, 10 pounds for burr clover; Japan clover (lespedeza), 25 pounds, in Alabama.
[13] Not stated whether in the ear or not, but from the weight shown it is presumed to be in the ear.
[14] Cannel coal.
[15] Shelled.
[16] Corn in the ear in Texas, 70 pounds after Dec. 1 and 72 pounds for new crop before Dec. 1.
[17] In ear, dry; in ear, green, 72 pounds.
[18] Shelled; unshelled, 45 pounds.

Commodities for which bushel weights have been established in more than four States—Continued

	Corn meal (including Indian meal)			Cotton seed										
	Corn meal [1]	Bolted	Unbolted	Cottonseed [1]	Sea island cotton-seed	Upland cotton-seed	Cranberries	Cucumbers	Currants	Dandelions	Emmer [2]	Flaxseed (linseed)	Gooseberries	Grapes
Federal Statutes												56		
Alabama		48	48	32				48				56	48	[3] 60
Arizona														
Arkansas	48			33⅓								56		
California														
Colorado	50													
Connecticut	50				44	30	32	48		12		55		
Delaware		44	48											
District of Columbia														
Florida	48			32	44									
Georgia		48	48	30								56		
Hawaii														
Idaho	48											56		
Illinois	48		48	32			33	48			40	56	40	
Indiana														
Iowa	48							48			40	56		[4] 40
Kansas								48			40	56		[5] 48
Kentucky	50											56		
Louisiana														
Maine	50				44	30	32		40	12		56		
Maryland	48											56		
Massachusetts														
Michigan	50						40					56		
Minnesota							36	48				56		
Mississippi	48	44	48	32								56		
Missouri	50			33				48				56		
Montana	50											56		
Nebraska	48							48			48	56		[4] 40
Nevada	48											56		
New Hampshire	50						32			12		56		
New Jersey														
New Mexico	50			32				48				56		
New York	50				44	30						55		
North Carolina				30	44			48				56	48	[5] 48
North Dakota							36	48				56		
Ohio	48											56		48
Oklahoma	50			32				48				56		
Oregon														
Pennsylvania	50						32	48	40			56	40	48
Rhode Island	50				44	30						56		
South Carolina		48	48	[6] 30			32	48	40			56	48	[5] 48
South Dakota	50							48				56		[4] 40
Tennessee		50	48	28				48				56	48	[5] 48
Texas	50		48	32			33	48				56	40	
Utah														
Vermont	50						32	48		12	40	55		
Virginia	48			30								56		
Washington														
West Virginia	48	46		32	44		36	[7] 50	40			56	40	[3] 60
Wisconsin	50				44	30	35	[7] 50				56		
Wyoming											45	56		

[1] Not defined.
[2] See also "Spelt or speltz."
[3] With stems, 48 pounds.
[4] With stems.
[5] With stems; without stems, 60 pounds.
[6] Cottonseed, long staple, 30 pounds.
[7] Green.

Commodities for which bushel weights have been established in more than four States—Continued

	Hair			Hempseed	Herds grass	Hickory nuts	Hominy	Horseradish	Hungarian grass seed	Kafir corn	Kale	Lime		Malt	Millet	
	Plastering [1]	Plastering (unwashed)	Plastering (washed)									Lime [1]	Slaked		Millet [1]	Japanese barnyard
Federal Statutes																
Alabama	8			44	45	50	62	50	48	56		[2] 80	40		50	
Arizona																
Arkansas															50	
California																
Colorado				44								80				
Connecticut					45	50		50			[3] 12	70				
Delaware																
District of Columbia																
Florida															50	
Georgia	8			44								[2] 80				
Hawaii																
Idaho		8	4	44					50	56		[2] 80		32	50	
Illinois		8	4	44		50			50	56		80		38	50	35
Indiana																
Iowa				44		[4] 50			50	56		80			50	
Kansas		8	4	44		50				56		[2] 80		38	[5] 50	
Kentucky	8			44					50			[2] 35			50	
Louisiana																
Maine	[6] 11			44	45				48		12	70			50	35
Maryland				44	45				50			80		[7] 34	[8] 50	
Massachusetts																
Michigan				44					50			70			50	
Minnesota		8	4	50		50			48			80			48	
Mississippi				44					50			[2] 80		38	50	
Missouri				44					48					38	50	
Montana				44					50			[2] 80		30		
Nebraska				44		[4] 50				56		80			50	
Nevada				48					50	56				32	50	
New Hampshire					45							70				35
New Jersey																
New Mexico				44					50	56		[2] 80			50	
New York					45							70				
North Carolina	8			44		[9] 50	62	50	48	50	10	[2] 80	40		50	
North Dakota		8	4	50		50			48			80			50	
Ohio				44		50	60		50	56		70		34	50	
Oklahoma				44					48	56		80		38	50	
Oregon																
Pennsylvania	8			44	45	50	60	50	50	56		80		38	50	
Rhode Island				44					50			70		38	50	
South Carolina	8			44		50	62	50	48	56	12	[2] 80	40		[10] 50	
South Dakota				44		[4] 50			50	56		80			50	
Tennessee	8			44		50	62	50	48		30	[2] 80	40		[10] 50	
Texas		8	4	44		50			48	50					50	35
Utah																
Vermont					45				50	56					50	
Virginia	8			44					48			[2] 80		38	50	
Washington																
West Virginia		8	4	44	45	50	60	50	50	56	15	[2] 70	40	34	50	35
Wisconsin	8			44		50			48			([11])		[7] 34	50	
Wyoming										56						

[1] Not defined, except as noted.
[2] Unslaked.
[3] Commercially dry.
[4] Hulled.
[5] Hungarian.
[6] Well dried and cleaned, used in masonry.
[7] Barley malt.
[8] German and American.
[9] Without hulls.
[10] German, Missouri, and Tennessee.
[11] "Seventy pounds for a bushel of coarse salt or lime; 80 pounds for a bushel of unslaked lime."

Commodities for which bushel weights have been established in more than four States—Continued

	Oats	Onions			Orchard grass seed	Osage orange seed	Parsnips	Peaches				Peanuts	Pears	
		Onions [1]	Bottom onion sets	Top onion sets				Peaches [1]	Dried	Dried (peeled)	Dried (unpeeled)		Pears [1]	Dried
Federal Statutes	[2] 32													
Alabama	32	[3] 57	32	28	14	33	45	[3] 50		38	33	22	[3] 50	26
Arizona														
Arkansas	32	57			14				33					
California	32													
Colorado	32	57												
Connecticut	32	52					45	52	33				52	
Delaware														
District of Columbia														
Florida	32	56						[4] 54	24			22	55	
Georgia	32	57								38	33	[5] 25		
Hawaii	32													
Idaho	32	57					50	48	33					
Illinois	32	57	32	30	14	33	50	48	33			[6] 20	58	
Indiana														
Iowa	32	52	32	28	14	32	45	48	33			22	45	
Kansas	32	55					48	48	33				50	
Kentucky	[7] 32	57	36		14				39			24		
Louisiana	32													
Maine	32	52			14		45	48	33			[6] 20	58	
Maryland	32	54			14			[8] 40		(8)	(8)	22		
Massachusetts														
Michigan	32	54			14	33	50		28					
Minnesota	32	52	32	28	14		42	48	28			22	45	
Mississippi	32	57							33			24		
Missouri	32	57		28	14	36	44	48	33				48	
Montana	32	57					50						45	
Nebraska	32	57	32	28	14	32	50	48	33			22	45	
Nevada	32	57					50	48	33					
New Hampshire	32	52					45	48	33			[6] 20	58	
New Jersey														
New Mexico	32	57	32	30	14		42	48	33			22	48	
New York	32	57							33					
North Carolina	32	[3] 57	32	28	14	33	50	[3] 50	25			[9] 22	[3] 56	26
North Dakota	32	52	32	28	14		42		28			22	45	
Ohio	32	56		[10] 28			50	48	33					
Oklahoma	32	57		28	14	36	44	48	33			22	48	
Oregon														
Pennsylvania	32	50		[10] 28	14		50	48		38	33	22	50	
Rhode Island	32	50					50	48	33					
South Carolina	32	[3] 56	32	28	14	33	50	[3] 50	25			23	[3] 36	26
South Dakota	32	52	32	30	14	32	48	48	33			20	45	
Tennessee	32	[3] 56	32	28	14	33	50	[3] 50	26			23	[3] 56	26
Texas	32	57	32	30	14		50	50	28			[11] 20	58	
Utah														
Vermont	32	52					45	48				[6] 20	58	
Virginia	32	57			14		50			40	32	[12] 22		
Washington														
West Virginia	32	55	32	28	14	33	42	48	33			23	50	
Wisconsin	32	50	[10] 32				44	48	33				48	
Wyoming	32	57					50	48						

[1] Not defined, except as noted.
[2] Hulled or unhulled.
[3] Matured.
[4] Green.
[5] Called ground peas in the law.
[6] Roasted; green, 22 pounds.
[7] Shelled.
[8] Peaches, peeled; unpeeled, 32 pounds; not stated whether dried or not.
[9] Spanish, 30 pounds.
[10] Not stated whether top or bottom onion sets.
[11] Roasted; green, Georgia or Virginia, 22 pounds; Spanish, 24 pounds.
[12] Virginia; Spanish, 30 pounds.

Commodities for which bushel weights have been established in more than four States—Continued

	Peas				Plums	Potatoes		Quinces	Rape seed	Raspberries	Red top or red top seed	Rhubarb or pie plant	Rice, rough (or unhulled)	Rutabagas	Rye	Rye meal
	Peas[1]	Green, unshelled	Split	Wrinkled		Irish or white	Sweet									
Federal Statutes	60														56	
Alabama	[2] 60	30			64	60	55	[3] 48	50	48	14	50	45	50	56	
Arizona																
Arkansas	60					60	50				14				56	
California															54	
Colorado						60									56	
Connecticut	[4] 60	26			48	60	54	48					45	60	56	50
Delaware																
District of Columbia																
Florida					40	60	56	48							56	
Georgia	60					60	55						43		56	
Hawaii															50	
Idaho	[5] 60					60	50								56	
Illinois	[4] 60	32				60	50	48	50		14		45	50	56	50
Indiana																
Iowa	[4] 60	50			48	60	50	48	50		14			60	56	
Kansas	60	30			52	60	[6] 50	48						50	56	
Kentucky	60					60	55								56	
Louisiana															32	
Maine	60	28		56		60	54	48		40	14		44	60	56	50
Maryland	[4] 60					60	60		50		[7] 14				56	
Massachusetts																
Michigan	60				[4] 28	60	56				14				56	
Minnesota	[8] 60			56		60	55		50		14	50		52	56	
Mississippi	60					60	54								56	
Missouri	60	56	60			60	56				14			50	56	
Montana	60					60									56	
Nebraska	[4] 60	50			48	60	50	48	50		14			60	56	
Nevada	[5] 60					60	50								56	
New Hampshire	60	28				60	54	48							56	50
New Jersey																
New Mexico	60					60	50	48	50					50	56	
New York	60					60	54						45		56	50
North Carolina	[2] 60	30			64	56	56	[3] 48		48	14	[9] 50	44		[10] 56	
North Dakota	60					60	46		50			50		52	[10] 56	
Ohio	60				50	60	50								56	
Oklahoma	60	56	60			60	55		50		14			50	56	
Oregon																
Pennsylvania	[4] 60	28			64	60	54	48	50	48	14		45	60	56	50
Rhode Island	60		60			60	54								56	50
South Carolina	[2] 60	[11] 30			64	60	50	[3] 48	50	48	14	[9] 50	44	60	56	50
South Dakota	[4] 60	56			48	60	54	[3] 48	50		14			50	56	
Tennessee	[2] 60	30			64	60	50	[3] 48		48	14	[9] 50			56	
Texas	[4] 60	32				60	50	48	50		14		45	50	56	50
Utah																
Vermont	60	28			48	60	54	48			14				56	
Virginia						60	56				40				56	
Washington																
West Virginia	[2] 60	[12] 30		56	60	56	50	48	50	48	14			50	56	50
Wisconsin	60			56		60	54		50		14		45	56	56	50
Wyoming						60	50								56	

[1] Not defined, except as noted.
[2] Dry.
[3] Matured.
[4] Dried.
[5] Shelled, dried peas.
[6] Sweet potatoes, seed, sorted, 1¼ inches diameter and under 45 pounds.
[7] Red top grass seed (chaff); fancy, 32 pounds.
[8] Smooth peas.
[9] Called pieplant in the law.
[10] Seed.
[11] Not stated whether shelled or unshelled.
[12] Green, shelled, 50 pounds.

Commodities for which bushel weights have been established in more than four States—Continued

	Salt			Sand	Shorts	Sorghum seed	Spelt or speltz [2]	Spinach	Strawberries	Timothy seed	Tomatoes	Turnips	Walnuts	Wheat
	Salt [1]	Coarse salt	Fine salt											
Federal Statutes														60
Alabama	50					50	40		48	45	56	55	50	60
Arizona														
Arkansas	50					50				60		57		60
California														60
Colorado	80									45				60
Connecticut		70	70		20			[3] 12		45	56	[4] 50		60
Delaware														60
District of Columbia														
Florida	60					56						54		60
Georgia										45		55		60
Hawaii														60
Idaho	80					50				45	56	55		60
Illinois		55	50		20	50	40	12		45	56	55	50	60
Indiana														
Iowa	80			130	20	[5] 50	40			45	50	55	[6] 50	60
Kansas	80					50	40	14		45	56	55	[7] 50	60
Kentucky	50		55							45		60		60
Louisiana														60
Maine		[8] 70	[9] 60			50		12	40	45	56	[4] 50		60
Maryland		70	56			50				45	60	60		60
Massachusetts														
Michigan	[10] 56									45		58		60
Minnesota						57	40			45	50	55	50	60
Mississippi	50					42				45		55		60
Missouri	50					42				45	45	[11] 42		60
Montana	50									45		50		60
Nebraska	80			130	20	50	48			45	56	55	[6] 50	60
Nevada	80					50				45	56	56		60
New Hampshire		70	50		20			12		45	56	55		60
New Jersey														
New Mexico				130		50				45	50	56		60
New York		70	56		20					45				60
North Carolina	50					50		10	48	45	56	50	[6] 50	60
North Dakota	80					57	40			45	50	60	50	60
Ohio						50				45	56	60	[12] 50	60
Oklahoma	80					50				45	45	[11] 42		60
Oregon														
Pennsylvania		85	[13] 62	100	20	50	40	12	48	45	56	56	[11] 50	60
Rhode Island		70	50		20					45	56	50		60
South Carolina	50					50		12	48	45	56	50	50	60
South Dakota		80		130		50	45			45	50	55	[6],750	60
Tennessee	50					50		30	48	45	56	50	50	60
Texas		55	50		20	50		12		45	56	55	50	60
Utah														
Vermont		70	56				40	12		45	56	60		60
Virginia	50									45	60	55		60
Washington														
West Virginia		70	50	130	20	57	40	15	48	45	56	55	50	60
Wisconsin		70	50		20					45	56	42		60
Wyoming							45				56	55		60

[1] Not defined, except as noted.
[2] See also "Emmer." Spring emmer has frequently been erroneously called speltz, this name being a misspelling of spelt, which is a distinct crop. The differences between spelt and emmer are pointed out in U. S. Dept. Agr. Farmers' Bulletin 466.
[3] Commercially dry.
[4] English in Connecticut; common English in Maine.
[5] Sorghum saccharatum seed.
[6] Hulled.
[7] Black.
[8] Turk's Island salt or other grades of coarse salt.
[9] Liverpool salt or other grades of fine salt.
[10] Michigan salt.
[11] Common.
[12] Domestic.
[13] Ground.

Bushel weights (found in the preceding pages), with corresponding proportional weights for various subdivisions of the bushel

Bushel weight in pounds	One-half bushel		One peck		One-half peck		One-quarter peck		One quart	
	Lbs.	Ozs.	Lbs.	Ozs.	Lbs.	Ozs.	Lbs.	Ozs.	Lbs.	Ozs.
4	2	0	1	0	0	8	0	7	0	2
8	4	0	2	0	1	0	0	8	0	4
10	5	0	2	8	1	4	0	10	0	5
11	5	8	2	12	1	6	0	11	0	5.5
12	6	0	3	0	1	8	0	12	0	6
14	7	0	3	8	1	12	0	14	0	7
15	7	8	3	12	1	14	0	15	0	7.5
18	9	0	4	8	2	4	1	2	0	9
20	10	0	5	0	2	8	1	4	0	10
22	11	0	5	8	2	12	1	6	0	11
23	11	8	5	12	2	14	1	7	0	11.5
24	12	0	6	0	3	0	1	8	0	12
25	12	8	6	4	3	2	1	9	0	12.5
26	13	0	6	8	3	4	1	10	0	13
28	14	0	7	0	3	8	1	12	0	14
30	15	0	7	8	3	12	1	14	0	15
32	16	0	8	0	4	0	2	0	1	0
33	16	8	8	4	4	2	2	1	1	0.5
33⅓	16	10.7	8	5.3	4	2.7	2	1.3	1	0.7
34	17	0	8	8	4	4	2	2	1	1
35	17	8	8	12	4	6	2	3	1	1.5
36	18	0	9	0	4	8	2	4	1	2
38	19	0	9	8	4	12	2	6	1	3
39	19	8	9	12	4	14	2	7	1	3.5
40	20	0	10	0	5	0	2	8	1	4
42	21	0	10	8	5	4	2	10	1	5
43	21	8	10	12	5	6	2	11	1	5.5
44	22	0	11	0	5	8	2	12	1	6
45	22	8	11	4	5	10	2	13	1	6.5
46	23	0	11	8	5	12	2	14	1	7
47	23	8	11	12	5	14	2	15	1	7.5
48	24	0	12	0	6	0	3	0	1	8
50	25	0	12	8	6	4	3	2	1	9
52	26	0	13	0	6	8	3	4	1	10
54	27	0	13	8	6	12	3	6	1	11
55	27	8	13	12	6	14	3	7	1	11.5
56	28	0	14	0	7	0	3	8	1	12
57	28	8	14	4	7	2	3	9	1	12.5
58	29	0	14	8	7	4	3	10	1	13
60	30	0	15	0	7	8	3	12	1	14
62	31	0	15	8	7	12	3	14	1	15
64	32	0	16	0	8	0	4	0	2	0
68	34	0	17	0	8	8	4	4	2	2
70	35	0	17	8	8	12	4	6	2	3
72	36	0	18	0	9	0	4	8	2	4
74	37	0	18	8	9	4	4	10	2	5
75	37	8	18	12	9	6	4	11	2	5.5
76	38	0	19	0	9	8	4	12	2	6
80	40	0	20	0	10	0	5	0	2	8
85	42	8	21	4	10	10	5	5	2	10.5
100	50	0	25	0	12	8	6	4	3	2
130	65	0	32	8	16	4	8	2	4	1

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